

PLANNING COMMISSION MINUTES

THURSDAY, JULY 17, 2003

Public Services Building
BOCC Hearing Room, 6th Floor
1300 Franklin Street
Vancouver, WA

6:30 p.m.

CALL TO ORDER

The public hearing of the Clark County Planning Commission was called to order on Thursday, July 17, 2003, at 6:30 p.m. by Chairman, Vaughn Lein. The hearing was held at the Public Services Building, BOCC Hearing Room, 6th Floor, 1300 Franklin Street, Vancouver, Washington.

ROLL CALL

Planning Commission Present: Vaughn Lein, Chair; Jeff Wriston, Vice Chair (late); Jada Rupley, Carey Smith, Dick Deleissegues, and Ron Barca.

Planning Commission Absent: Lonnie Moss.

Staff Present: Rich Lowry, Chief Deputy Prosecuting Attorney; Pat Lee, Long Range Manager; Sandra Towne, Planner III; Dave Howe, Habitat Biologist; Oliver Orjiako, Senior Planner; and Sonja Wiser, Administrative Assistant.

GENERAL & NEW BUSINESS

Approval of Agenda for July 17, 2003

The agenda for July 17, 2003, was approved as distributed.

Approval of Minutes for May 15, 2003

It was **MOVED** by Dick Deleissegues and **Seconded** by Ron Barca to **APPROVE** the Minutes for May 15, 2003. **MOTION WAS APPROVED** by unanimous voice vote of all members present.

Communications from the Public

None.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION:

AMEND CLARK COUNTY CODE TO TAKE BOARD OF COUNTY COMMISSIONERS OUT OF APPEALS PROCESS:

Current state law limits the Clark County Board of Commissioner's role in administrative appeals of land use hearing examiner decisions to a purely appellate judicial function. This limited role is misunderstood by the public and applicants and is inconsistent with the Board's primary legislative and administrative oversight responsibilities. State law grants discretion to local government to provide that hearing examiner decisions, other than for rezones, are not administratively appealable. The Board has retained the services of highly competent and professional hearing examiners whose decisions have rarely been overturned by the Board.

Given the inconsistency with roles and responsibilities and the existence of professional hearing examiners with their record of reliability, Clark County is considering a code amendment that would limit the Clark County Board of Commissioner's role in reconsideration of hearing examiner decisions.

This proposed ordinance amends CCC 2.51.150, 2.51.160, 2.51.170, 2.51.180, 18.600.080, and 18.600.100 to provide that only those Hearing Examiner decisions which include action on a rezone request are administratively appealable to the Board and provides a reconsideration process for those Examiner decisions not subject to administrative appeal.

Staff: Rich Lowry, Deputy Prosecuting Attorney, (360) 397-2478, Ext. 4775.

LOWRY: Rich Lowry, Clark County Prosecutor's Office. The Hearing Examiners were authorized by State legislation in 1977 as an alternative to cases that otherwise would have to go through this Commission or through a Board of Adjustment. Clark County adopted its Hearing Examiner Ordinance two years later in 1979. At that time the statute authorized the Board to give the Examiner decision either the effect of a recommendation to the Board or a final decision that could be appealed to the Board. Originally Examiner decisions were recommendations to the Board. Over time the types of cases that could go to the Examiner has grown to the point where the Examiner essentially hears all what we call Type II quasi-judicial land use matters and the Examiner decisions were made final unless appealed.

In 1995 the State legislature authorized a third option for Examiner decisions and that is to have them be final decisions at the County level appealable only into court with the exception of rezones, which the statute requires must be appealable to the Board of County Commissioners. Since 1995 the Clark County Board of Commissioners has periodically discussed whether they should exercise this new option that was provided by

the legislature. The primary reason for considering that option is that over time the Board's function on appeals has been drastically limited. Originally the Board under our Ordinance had the option on an appeal from an Examiner of going to a public hearing, taking its own evidence and essentially deciding a case anew. As a result of court limitations their ability to go to a hearing was taken away. That court decision has now been codified as part of a regulatory reform so they're precluded from going to public hearing, they're precluded from making their own findings from the evidence that was presented to the Examiner, essentially they're acting in a strictly appellate judicial function, simply reviewing the Examiner decision against the record made by the Examiner for error.

The Board is not altogether comfortable with that function. They weren't elected to be judges, they were elected to be policy makers and administrators. There is broad public misconception that the Board ought to be able to overturn an Examiner decision on bases other than simply some error. The Board has vacillated on whether or not it would be good policy for them to get out of the appeals business. They still are -- I think it fair to say are not of a strong mind one way or another, but they did recently decide that this issue ought to be formally considered. They are interested in hearing from the public and hearing your recommendations on the issue.

I provided a report which at the end contains what at least I could think of in terms of both policy issues and implementation issues. The proposed Ordinance that you have before you does two primary things. Number one, it fully implements the option of getting the Board out of the appeal business except for cases that involve rezones, and, secondly, it backfills the Examiner process with a reconsideration process at the end so that there is an ability to correct obvious errors at the County level if they are made.

There are two housekeeping corrections that I want to offer for the Ordinance. The first is on Page 4, Line 63, the sentence that starts on Line 63, that sentence reads, "a decision by the board to modify, reject or remand shall be supported by findings and conclusions." That is old language that harkens back to the day when the Board used to be able to go to its own hearings and now they're precluded from making their own findings and as a result this sentence is archaic. There is under the Procedures Ordinance a fairly lengthy discussion in terms of what the Board would have to do in an appeal in order to reverse. That existing language is found on Page 12 of the Ordinance starting at Line 250.

LEIN: Excuse me, Rich, are you saying we should delete that sentence then?

LOWRY: Yes, that sentence should simply be deleted.

LEIN: Okay, thank you.

LOWRY: The other change is on Page 8. This comes about as a recommendation from the Hearing Examiners when we met with them to discuss this proposal on -- as I

indicated before part of this would institute a reconsideration process before the Examiner. The change relates to sub item Sub (c) where a request for reconsideration must contain and Sub (c) is "argument in support of reconsideration." What the Examiners request be added is "addressing applicable grounds in Subsection (G)(3) below," so that Subsection (c) would then read "argument in support of reconsideration addressing applicable grounds in Subsection (G)(3) below." (G)(3) lists the grounds that are available to the Examiner to reconsider, so this change would simply direct the reader to what the argument must relate to for reconsideration to be considered. Unless there are any questions, that would conclude my report.

LEIN: Are there any questions from members of the Commission?

DELEISSEGUES: I had a question, Rich. How many of these Examiners decisions are brought back before the County Commissioners on appeal?

LOWRY: The number of appeals has steadily decreased over time as neighborhood associations, the public in general, developers, have become aware of how limited the Board's ability is to reverse an Examiner. The Board a few years ago probably had an average of two or three a month and now they average one every two or three months.

DELEISSEGUES: Thanks.

LEIN: Any other questions?

LOWRY: I might add to that that the ones they do get now tend to be very, very involved, complex, very legalistic appeals.

LEIN: Jada, do you have --

RUPLEY: Let's go back to when they were two to three in a month. You say that today they're more legalistic and complex. What were they when they were two to three a month?

LOWRY: Denied.

RUPLEY: Denied?

LOWRY: Right. With a lot of appeals there was not a basis that the Board could address the issues that were being raised.

SMITH: Can you differentiate "oversight" or "omission" under (e) and no new evidence shall be allowed. Under (e) it says "errors arising from inadvertence, oversight or omission which materially affect the decision."

LEIN: What page are you on?

SMITH: Oh, I'm on 9 --

LOWRY: Page 9.

SMITH: -- on (3)(e). Obviously if there's an omission you can reconsider it, but then before that it says there's no new evidence will be allowed, how do you separate those two?

LOWRY: Right. This would be an instance where the Examiner denies an application because of a failure, because he finds the applicant failed to present any evidence on a critical issue and the reconsideration would be you missed Exhibit 34.

SMITH: Okay.

LEIN: Any other questions of staff before we open it to testimony?

SMITH: One other we talked about a little bit, but it says under Page 3 we have Number iv under "ISSUES: a, Board exposure to contentious cases," and I believe for the record you told us this is a good thing that they're exposed to contentious cases --

LOWRY: Well, yeah, one of --

SMITH: -- because it's a learning curve?

LOWRY: Yeah. The Board, I think all of the Commissioners have remarked at one time or another that they learn more about the County Code and learn more about the process through having to read big books in their capacity as the appeal board than through any other manner, so it is a way of getting sort of real world information about what's going on in the trenches to the Board. It's not the only way.

COMMUNICATIONS FROM THE PUBLIC

HADLEY: Ken Hadley, 1317 NE 4th Avenue in Camas, Washington. Good evening, Commissioners. This is the first time I've been to one of your hearings in this room so it's quite a change. I am opposed to the Proposed Ordinance in the form that it is presently presented. I can understand why the Commissioners would like to get out of their appeals position; however, I feel that the citizens of Clark County deserve to have some independent authoritative body that can judge the actions of the Hearings Examiners for obvious or sometimes not so obvious mistakes.

And I know from my personal experience that there are appeals that are remanded to the

Hearings Examiner for obvious errors of disregarding County Code and the idea that you can appeal back to the same person that originally judged a certain matter we know from experience that human nature is such that most people are reluctant to admit a mistake and I doubt that Hearings Examiners are going to be any different. So to say you can appeal back to the Hearings Examiner I think is not reality and hope that you're going to get a fair judgment.

(Commissioner Wriston entered the hearing.)

HADLEY: Also to say that you can file a court case is ridiculous. Unless you're involved in any large expensive project, you can't afford the cost or the time of filing a court judgment. A small property owner in Clark County would just have to live with the injustice. And also the County is now depending much more on small projects, in-fill projects, these people are not going to be able to afford to go to court so they can only appeal back to the same person that originally did what they think is wrong and that's not much of a process. If an independent authoritative body was created in place of the Commissioners that could make a fair judgment about the Hearings Examiners, then I would feel more comfortable about this process, but right now I feel the citizens are losing more and more of their ability to do legal uses of their land because of many regulations and high fees and this is one more step to where they have very little recourse. So I'm opposed to it unless there's an equally authoritative independent body to replace the Commissioners. Thank you.

LEIN: Any questions of Mr. Hadley? Thank you. Anyone else wishing to testify on this particular issue? If not, we'll return it to the Planning Commission. Questions of staff or comments?

RETURN TO PLANNING COMMISSION

BARCA: I do have a question concerning what Ken gave in testimony on the appeal process. Is it determined, then, that the same Examiner would be the one who would be doing the reconsideration?

LOWRY: Yes, that's what this contemplates. It would be awkward indeed to pay one Examiner to hear the case and then somehow have another Examiner be able to review it again for error. This is similar to reconsideration provided under the court rules where it's by the same, by the same judge. I might indicate in terms of having some other independent review authority substituted for the Board, that's not one of the options that is provided for in the statute. The statute's attached to my report and it has the three options, a recommendation to the legislative body, appealable to the legislative body or except for rezones a final County level decision.

BARCA: Okay, thank you.

DELEISSEGUES: Rich, what rationale would an appellant use to appeal an Examiner's decision? What would they say how could they go to court and --

LOWRY: Well, they would use the same rationale that is now available to appeal to the Board, that an error occurred, that there was no substantial evidence to support findings, that the Examiner misconstrued the meaning of a Code provision.

DELEISSEGUES: Is there any idea of what the cost would be? You know, I guess it could range all the way from a minor case, but I wouldn't think that that would be a, you know, I'd have to agree with Ken that --

LOWRY: Well, there's no question that --

DELEISSEGUES: -- it get's to be a cost issue, you probably wouldn't do it.

LOWRY: I would agree with him also and probably the time that it takes to get through the court is an equally impossible burden.

DELEISSEGUES: Another barrier.

LEIN: Rich, what about it going back to a different Hearings Examiner? Has that concept been discussed?

LOWRY: We talked, actually did talk about that in the meeting with the Examiners, they don't like it, they don't want to sit in judgment on each other. We don't have a hierarchy of Examiners so you could appoint one as the final arbiter. The reconsideration process is really aimed at correcting what are clear mistakes, what the Examiner would agree is a mistake.

LEIN: Other questions of Rich? Jada.

RUPLEY: In one of the letters that we have in front of us it talked about free up time and this was one that was supporting the appeal process recommendation. How much time do the Commissioners spend in the appeal process? Have you looked at that?

LOWRY: Because they're precluded from having a hearing, the appeal process usually in terms of the Board actually deliberating on it, it takes no more than probably 20 minutes. And that may even be high for an average, some cases longer, but it is not unusual to have three large notebooks as large as the one you have before you that is the record, and the Board is very dedicated in terms of reading the record and they do that, and they also watch the video of the hearing, so I think it could take several full days just in preparation.

RUPLEY: And since none of them are land use attorneys, then does that also mean they have to spend time with counsel in terms of interpretation and things like that?

LOWRY: Yes. And unfortunately a lot of the issues that are appealed, I'm unelected but I'm the one that probably is deciding a lot of the issues.

WRISTON: I guess I'm not sure that's a bad thing, but I apologize for being late, I had out-of-town engagements, but so if I'm asking questions that have been reviewed indulge me, I guess, a little bit. But in the staff report we talk about how when it gets to the Board it's, you know, quasi-judicial and essentially mirroring the function and played by Superior Court in judicial appeal. I thought a lot of the Board hearings once it gets to the Board are if they're done in a certain matter are de novo or are we talking about things that go up through the Hearings Examiner, the Hearings Examiner is de novo and then once the Board gets it --

LOWRY: No. It used to be that the Board had the option by local code of taking any Examiner decision to its own Board hearing. There was a 1990 case called Maranatha which held that once the Hearing Examiner -- well, held that the Hearing Examiner is the finder of fact and the Board therefore cannot go to public hearing where the Examiner's decision is final unless appealed. We had several cases that went to the Appellate Courts and were looking for the right one to try to get to the Supreme Court because we thought the Court of Appeals was flat wrong, that that's not what the statute said when in 1995 as part of regulatory reform the State legislature said the same thing, you can't have more than one what regulatory reform calls "open record hearing." So this applies to the Board can't go to hearing on any appeal that comes to it whether the Examiner was sitting in an appeal hearing himself or as an original hearing body.

LEIN: Any other questions of staff?

WRISTON: Not right now.

LEIN: Any comments from members of the Commission?

RUPLEY: Vaughn, what's the action that we're going to look at here?

LEIN: The action is to either deny this and send it on to the Board or to accept this or accept it with modifications and send it on to the Board.

DELEISSEGUES: I guess just as a comment it would seem as an elected official that the Commissioners do have some responsibility and accountability to the citizens that elected them to hear their grievances and to act on them and it just seems like this is one more case where they're not doing that.

LOWRY: And that's a big concern of the Board of Commissioners. I think the other side

of that coin is they really don't have the authority to address many, if not most, of the concerns that historically have been raised in appeals because of the both court and legislative limitations on their authority.

DELEISSEGUES: I think if that's the case it really ought to be explained quite clearly, you know, what this action's based on, that there aren't that many opportunities for them to become involved in the first place, limited authority and so forth.

LOWRY: The Board usually spends several minutes at the front end of each of these appeal meetings that they have had doing just that.

WRISTON: Although it seems like they do all right and that Counsel counsels them and what their authority is and they are able to handle matters how they see fit. I mean I don't see -- I haven't seen many cases where they just say our hands are tied and we can't do absolutely anything and we have no opinion. I mean they figure out, there's a lot of -- I mean I think we're oversimplifying it when we say that this seems to oversimplify it.

LOWRY: No, if there was legal error, they can correct it.

WRISTON: And that's a broad interpretation. No? I mean they seem to have -- I mean they don't --

LOWRY: I think it accurate to say that they've affirmed the Examiner in cases where they would have loved to find a way not to.

WRISTON: Yeah. How often are they unanimous?

LOWRY: Most of the time on these appeals they're unanimous.

WRISTON: On these appeals they're unanimous most of the time?

LOWRY: Yeah.

RUPLEY: See, that's what I'm struggling with is I think there's a perception that they can overturn or change at will and they can't and so how do you -- and that's what you said earlier, Dick, how can you make the public aware of that.

BARCA: Well, I think without regard to their ability to actually overturn there is a perception that you should be able to air your grievances to those that you elect. If ultimately the appeal ends up in court, which is the end round of this proposal as it is today, that a person can appeal up through the court system, we don't ultimately change the potential for how high a person can take their grievance, but to take this step out of it I think it does a couple of things. One, it insulates the elected official from the potential of understanding what the ordinances do to individuals under certain circumstances which

then may spawn the change of the ordinances in the future themselves or move us towards the idea of change at a popular level which would then be brought towards the Commissioners as a popular choice. If we make this decision just to take this out of the hands of the Commissioners, I think that we've gone one step away from what people on the street would just consider a common democratic right, which is to go to their elected officials with a grievance. Granted that the legislature has continued to cut back on what discretion they have. I would be surprised to see the people on the street think that this was a good thing. I think this at this level the County Commissioners are the top end of where people believe that they can carry their grievance to an elected official for County matters and to insulate them in this fashion I believe is doing a disservice to the population in general.

LOWRY: And, believe me, I'm not trying to advocate either side of this issue, but the other side of that coin is that right now one cannot address a grievance to a County Commissioner on a land use matter that could be appealed to the Board under the Appearance of Fairness Doctrine. If the Board is out of the process, then in some ways that increases their availability to the constituency.

LEIN: Rich, is --

WRISTON: That's a good argument.

LEIN: As part of the process you were not involved when the Hearings Examiner hears the case, correct, initially?

LOWRY: Occasionally we are where there is a known legal issue that we want to advocate a County position on. Or occasionally the Examiner even asks for us to weigh in on an issue.

LEIN: What would your role be if there is no appeal process to the County Commissioners?

LOWRY: You know, I think if there is no appeal process to the County Commissioners, we would have to institute some sort of a process through staff to be alerted when there are significant issues that could result in County liability and become more involved during the hearings and even potentially participate in a request for reconsideration initiated by our office. So I think we'd have to become more involved than we are now because you're right, there is a check that occurs at the Commissioners' level now that wouldn't be there.

LEIN: Yeah.

LOWRY: And again, one of the arguments or one of the policy issues that I tried to identify is that if the Board is out of the appeal business, that probably increases our

liability exposure.

LEIN: Because I think there's a fear that it's just going to go back to the same Hearings Examiner and that Hearings Examiner is just going to say, well, you know, this is my opinion of the legal issues and so therefore that's it. But if your office is also having to look at that, then there's another pair of eyes there because then that helps the liability issue with the County.

DELEISSEGUES: Just reading the memo, Rich, it seems like there's some implementation issues and is there some more work that is going to be done on this before it's completed?

LOWRY: No, these are issues that I identified and made choices on when I put the ordinance together. And let me go through these real quick. The statute authorizes us to give different classes of Examiner decisions different effects. So, for example, we could provide that that Examiner decisions on rezones are all recommendations to the Board, whereas Examiner decisions on plats are final unless appealed, but Examiner decisions on appeals from staff decisions on short plats end there. This ordinance is put together to make most use of the ability to get the Board out of the appeal business. With one exception and that gets to the second implementation issue.

The statute requires that a decision on a rezone be appealable to the legislative body. The way this is drafted if a matter before the Examiner involves a rezone, then all applications become appealable to the Board not simply the rezone. The case doesn't get bifurcated, it stays together, which is the reason it was drafted in that fashion. Third implementation issue, I made the request for reconsideration available only to cases that weren't appealable to the Board. One could leave in an ability to ask for reconsideration before the Examiner even on those cases which would then later be able to be appealed to the Board. I didn't do that simply because I didn't want to further draw out the process, the length of the process. And then the fourth one is the newly discovered evidence rule. The court rule on reconsideration allows reconsideration for newly discovered evidence. I didn't include that in here. It was intended to try to emphasize you make your case the first time before the Examiner, except for one exception, if the new information relates to a new process issue where a fair hearing wasn't had because of some occurrence, you can provide new evidence with whatever that occurrence was. So those were the implementation issues and how I resolved them when I put the ordinance together.

BARCA: So then I have to ask, you made those determinations but the legislation did allow for the introduction of new evidence and --

LOWRY: No, the legislation is silent.

BARCA: It's silent on it?

LOWRY: It's silent, yes. I concluded that if we were going to take the Board out of the appeals process in most cases, we had to have a reconsideration process before the Examiner so we could correct clear error at the administrative level. Then I had to decide what grounds would be available for reconsideration and they're set out in the ordinance. I did not include newly discovered evidence even though that it is commonly found in reconsideration processes.

BARCA: Yeah. It seems like that would be an opportunity to have perhaps redress on a matter that a person felt that they didn't get the full hearing on before from the Hearings Examiner.

LOWRY: The primary problem with newly discovered evidence as a basis for reconsideration is at least under the court rules the burden is on the proponent to demonstrate that they could not reasonably have discovered it using due diligence. That can become very, very contentious and the Examiner could end up spending considerable time deciding whether or not this was truly newly discovered evidence that couldn't have reasonably been discovered earlier. The only other thing I can say is this was an issue that we specifically discussed with the Examiners and they didn't want to see newly discovered evidence as a basis for reconsideration.

BARCA: And I would certainly understand that from their standpoint. I think I'm trying to get back to the aspect of the end product of all of this which is somebody from the citizenry comes forward and they feel like they have not gotten fair judgment on the process where the Hearings Examiner has turned down whatever it is that they were trying to accomplish. If indeed they have something at their disposal which is able to shed more light on it, it seems to me it would be more appropriate to take the time at our level to try and fix it there than to say if you really want to fix it, you're going to have to go to court. And then that's back to your previous statement about the exposure to liability on the County's part, it seems like it puts us in a much tougher situation than if we have tried to spread as much evidence across the table, put as much light on it as possible, before the final decision is made.

LOWRY: Understand that under the current system with the Board being in the appeal process there is no ability to present new evidence. The Board can't receive it and the Examiner can't reconsider it, so in a sense this simply maintains the status quo.

BARCA: But, yeah, it's a different set of eyes. So I'm trading one kind of fairness for another when if you put it before the same set of eyes a second time and are unable to present anything different, then I think Mr. Hadley's contention that it's going to be a quick slam dunk in the vast majority of the cases and I would expect it to be that way, denied. I'm done.

LEIN: Except I'm a little bit more or less concerned about it with Rich's explanation that his office will be more involved in looking at these as they come back because of that

liability issue on the County.

WRISTON: I don't know about that.

LEIN: You don't know about that.

BARCA: For the record Jeff groans.

WRISTON: It sounds good, yeah, just put it that way.

LEIN: But when Rich leaves then who's going to review it so, Rich, you can't ever leave.

WRISTON: Under your employment contract and I vote for it.

DELEISSEGUES: So where are we with this?

LEIN: So we are still discussing. Is there any other questions before we decide?

WRISTON: Well, I was just asking, again I apologize I wasn't able to be here at the work session, but today was the first work session on this and to me this is a pretty significant change in the way of doing business. And I don't know where I'm at on it, but I'm having a tough time. And I always like that, saying if you want an answer today, the answer's no, you know, because it's just because if I say no. So I think that's where I'm at right now because I'm having a real hard time grasping where all this -- there's a lot to consider. There's the Commissioners staying up to speed on all the issues and it forces them to stay up to speed on all of the issues when they hear them and that. And I know it gives them -- but then I like the argument it gives them more access, the constituents can come, they don't have to worry about, you know, recusing themselves because they've heard something. But yet how many constituents do that, I don't know, I don't know how much time the Commissioners spend on it, you know.

And, I mean, I do know they spend a lot and then, okay, then what are they going to do after that. I mean I know there's a lot of good things the Commissioners can do after that, but they're -- it would be controversial I think, but they're well compensated public officials. I don't know whether, you know, some people may say too much, some people may say it's too little, I don't know, but, you know, this is a big part of what they do and it just makes me feel like we're going to lose local control. And they're charged with a legislative intent, even though I know that they, you know, there is turnover in the Commissioners' office, but they, you know, what's the spirit of we're leaving. I mean these Examiners, I don't know how many of them live in Clark County. I know some don't, I don't know if all of them don't.

LOWRY: All of them do not.

WRISTON: All of them do not. I mean, see, you know, and I just start to get really -- and I know there's flexibility in what the Commissioners can handle and do and I start to get really nervous when we're leaving these decisions and they go to a Hearings Examiner that doesn't -- but you know what I mean, that's interpreting our codes. And these are the things that we write or -- well, we don't write them, we have a hand in them, I want to say we at the Planning Commission has a hand in them, but no one ever listens to us anyway, but, you know, things that we express our opinion on but the County writes and eventually it, you know, it will just be interpreted by staff, a Hearings Examiner and then straight to court. So it's just I'm having a hard time with it right now.

DELEISSEGUES: Me too, Jeff. And I'd kind of like to float the idea that maybe we don't make a recommendation. You know, I think the benefit here has been the discussion.

WRISTON: They're going to do what they want.

DELEISSEGUES: And they're certainly going to have to decide this for themselves and I agree with Jeff, whatever we say is going to be maybe considered and maybe not, but certainly they're going to have to decide what their role is going to be as an elected official to the public they represent.

RUPLEY: Well, and I'm sitting here thinking we have one testimony for and we have one against and it seems like there would be more input from people on something of this nature.

WRISTON: Well, we had our first work session today. I mean I'm a little worried. And I probably missed the public outreach part of this, but we got it awfully quick and we got the work session today and now we're being asked to make a decision. So that's the only thing I'd say on that is, you know.

LOWRY: I think part of the reason is interestingly I've had conversations with several neighborhood association folk who think this is a no brainer, they don't care because they are sophisticated enough now to know that their agenda can't be addressed by the Board in an appeal. On the other hand, I've had two developer attorneys indicate that they are concerned if the Board gets out of the business because they think that that does provide an avenue to correct error on the part of the Examiner and believe that the County may have greater liability exposure.

WRISTON: And I've heard vice-a-versa though. I mean I've heard vice-a-versa because what I've heard from the development side is that actually it takes one step out of the process that is an easy step for the community to take versus going to Superior Court which is always a very expensive and intimidating step and so it gives them one more bite of the apple before they have to go to that step. So, you know, so I've heard --

LOWRY: Yeah. And I think that's what makes this such a complex and difficult policy

issue because every coin has two sides of it.

WRISTON: Yes, it definitely does.

LEIN: Well, we can forward it on with a recommendation, we can forward it on only with comments.

BARCA: Let's vote. Let's vote.

WRISTON: Well, where do you think we are? I'll vote.

LEIN: Do I hear **a motion?**

WRISTON: I **MOVE** that we forward this with a recommendation of denial. Is staff recommending --

BARCA: There's no staff recommendation.

WRISTON: There's no staff recommendation. So I mean are we I do think so --

BARCA: So we either approve or deny the --

WRISTON: **Deny.**

BARCA: -- Ordinance, is that --

DELEISSEGUES: Either recommend or don't recommend it.

WRISTON: You know, I think it -- and when I do that I say that it's not, you know, I'm not just casting my vote in stone, I just don't feel like at this time I feel like I have enough comfort to pass this, pass this on. So I would move that at this point we **DENY**

LEIN: Is there a second to that?

BARCA: **Second.**

LEIN: Discussion? Comments?

BARCA: I think whatever we do is going to be somewhat reflective of the way the public is going to perceive this at first blush, which is basically from the work session to now how we've been -- had an opportunity to look at it.

DELEISSEGUES: Yeah. I think whatever course they take they're going to have to do a really good job of making it clear to the public, you know, what the flexibility is or is not

that they have or do not have and why they are adopting the course of action they're adopting because a concern would be we've all looked at it initially as something that we don't think an elected official should step away from. So I think they're going to have to do a good job of describing the rationale for their actions.

WRISTON: And where the productive time will be spent elsewhere. And I know there's lots of places, that's an easy one but --

BARCA: And I think the description of this, if this was to come to pass, what is the public benefit that is perceived with this change. I just don't see a clear statement that says it's in the public's interest to make this change.

LEIN: Any other comments or comments while you vote, it's up to you? If none, I'll call roll call, please.

ROLL CALL VOTE

BARCA:	Voting AYE as for denial . AYE
SMITH:	AYE
WRISTON:	AYE
RUPLEY:	AYE
DELEISSEGUES:	It's their call, I ABSTAIN
LEIN:	NAY

LEIN: I don't think there's going to be enough of these in the future that I'm as concerned about this. I am still concerned about the ability for an individual to have some sort of an appeal process, but I'm not sure the Board is the correct body under this one.

WRISTON: And maybe that warrants your comments more, a little more. Thinking off.

LEIN: From the Board, yeah.

WRISTON: From the Board in terms of what direction we take.

LEIN: As well as staff, yeah.

WRISTON: Yeah. Okay. Well, I just wanted to clarify that. That sounded like it was, yeah, it wasn't an outright nay, it was just kind of a qualified nay.

LEIN: A qualified nay, yes.

WRISTON: Put words in your mouth.

LEIN: Okay. That will be forwarded on to the Board of County Commissioners.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION, continued

YEAR 2003 DOCKET ITEMS:

Docket 2003-041 (Amend CCC18.104 and 18.303A.030 and 18.304A.030).

Amend the definition section of Clark County Code 18.104 to include a definition for "country inn" and amend as a conditional use in the rural district (18.303A.030) and rural center (18.304A.030) code sections.

Docket 2003-056 (Kimsey, Doug). The property owner is seeking to correct a possible mapping error. Redesignate and rezone the southern portion of the parcel Community Commercial (C-3) to be consistent with the northern portion of the parcel Urban Low (R1-10).

Docket 2003-057 (Sunrise Summit). The property owner is seeking to correct possible mapping errors for two parcels. Parcel 123883-000 - the request is to redesignate and rezone the eastern portion, Urban Medium (R-5) to be consistent with the larger western portion, Public Facility (R1-10). Parcel 123831-000 - the request is to redesignate the Urban Medium to Urban Low and retain the R1-10 zoning.

Docket 2003-058 (CCC18.334.015, Adoption). Amend 18.334.015 to create consistency with buffer and/or riparian zone width requirements in Chapter 13.51, Habitat Conservation and Chapter 13.36 Wetland Protection.

Docket 2003-059 (Arterial Atlas Amendment Hwy 99). Amend the current Clark County Arterial Atlas designation of Hwy 99 from Ross Street to NE 134th Street from a 7 lane principal arterial with center turn lane, bike lanes and sidewalks (Pr-6cb) to a 5 lane principal arterial with center turn lane, bike lanes and sidewalks (Pr-4cb).

Docket 2003-047 (Battle Ground School District Capital Facilities Plan). The school district has submitted an updated capital facilities plan and a proposal for an impact fee increase for single-family and multi-family units pursuant to Section 18.65.095 CCC.

Docket 2003-048 (Camas School District Capital Facilities Plan). The school district has submitted an updated capital facilities plan and a proposal for an impact fee increase for single family and multi-family units pursuant to Section 18.65.095 CCC

Docket 2003-051 (Hockinson School District Capital Facilities Plan). The school district has submitted an updated capital facilities plan and a proposal for an impact fee decrease for single-family units and an increase for multi-family units pursuant to Section 18.65.095 CCC.

Docket 2003-053 (Ridgefield School District Capital Facilities Plan). The school district has submitted an updated capital facilities plan and a proposal for a school impact fee decrease for single-family and an increase for multi-family pursuant to Section 18.65.095 CCC.

Docket 2003-055 (Washougal School District Capital Facilities Plan). The school district has submitted an updated capital facilities plan and a proposal for a school impact fee increase in single family and a decrease in multi-family pursuant to Section 18.65.095 CCC.

Docket 2003-049 (Evergreen School District Capital Facilities Plan). The school district has submitted an updated capital facilities plan pursuant to Section 18.65.095 CCC.

Docket 2003-050 (Green Mountain School District Capital Facilities Plan). The school district is seeking re-adoption of their current capital facilities plan pursuant to Section 18.65.095 CCC

Docket 2003-052 (La Center School District Capital Facilities Plan). The school district has submitted an updated capital facilities plan pursuant to Section 18.65.095 CCC.

Docket 2003-054 (Vancouver School District Capital Facilities Plan). The school district has submitted an updated capital facilities plan pursuant to Section 18.65.095 CCC.

Staff Contact: Sandra Towne, (360) 397-2375, Ext. 4544

LEIN: The next item on tonight's agenda are the docket items. The first docket item is 2003-041. It's Amendment to Clark County Code 18.104 definition for "country inn."

TOWNE: Sandra Towne, Long-Range Planning. Tonight we're going to go through the 2003 dockets. That includes the nine school district capital facility plans, a couple code amendments, two mapping errors and an arterial atlas amendment. The County Comprehensive Growth Management Plan is to be reviewed annually; however, because of the ten year update the Board has suspended annual reviews, but until the update is finished, however, amendment dockets continue and so tonight we'll be looking at those.

Dockets can be initiated either by the County or by private folks. The County received 85 requests this year. Staff docketed the requests which the Board of County

Commissioners reviewed during a work session on April 9th, 2003. After reviewing information regarding each parcel and the surrounding area it was determined that 15 requests, including the school district updates or re-adoptions of the capital facility plans, would be forwarded to the Planning Commission for consideration. All of the remaining requests were retained and may receive further review as part of the comprehensive plan update. You'll see a list of the docket, a quick docket summary list, and the review, the review criteria. Staff provides a recommendation for each docket and we based our recommendation on the consistency of Growth Management Act, countywide planning policies, community framework goals, the 20 year comprehensive plan and capital facilities plans. Each of the dockets have been reviewed and through SEPA and have been determined of nonsignificance.

If you want to turn to behind Tab 5, that's the first docket, Docket 2003-041, and Oliver Orjiako will go ahead and talk about the amendment to 18.104 and 18.303A.

ORJIAKO: Thank you, Sandra, and thank you, Commissioners. This proposal is a text amendment. As Sandra indicated it requires amendment to Clark County Code 18.104 and 18.303A and 18.304A. Both the definitions you will find in the Clark County Code sections and the Rural and Rural Center districts, so those are the three areas that are we are requesting that be amended. In the "definition" section we are recommending that we add a new definition of "country inn" as an event facility to the Clark County Code. Now what we are recommending is that country inns of historic significance be defined as structure under 10,000-square feet in size located in Rural Center or Rural districts with facilities for weddings, meetings, banquet, small conferences, educational seminars, retreat and other similar events, and where short-term lodging rooms are provided for compensation and which is listed on the Clark County Heritage Register under Clark County Code, Chapter 18.328A.

Now there is one specific property or site that prompted us to make this recommendation, it is the Summit Grove Lodge which is located in pretty close near to La Center. I'm sure some of you are familiar with this site. Upon visiting that site and reviewing the characteristics of the site we believe that this recommendation would in a sense allow that facility to come under the County Registry if they choose and again be reviewed under the conditional use section of the Rural Center and Rural district.

Beside that specific site this recommendation is not site-specific so any other property in the county that qualifies under this definition can also go through the process. It doesn't cost anything to go through the Clark County Historic Preservation Chapter, you just apply for to go through that process, there is no fee involved; however, as a conditional use permit there will be some fees associated going through the conditional use permit process. That summarizes the recommendation that we are putting forward. We are recommending that the Planning Commission forward a recommendation of approval of this text changes to the Board of County Commissioners.

LEIN: Any questions of Oliver?

DELEISSEGUES: Yeah. Oliver, I've got question for you. To your knowledge are there any other similar facilities listed on the Clark County Heritage Register that this would apply to?

ORJIAKO: At this time I will say no, but there may be some sites out there that could qualify. It will be on individual cases, but to my knowledge I can't say that I know of one that qualifies. Again, there may be some that could utilize this definition to see whether they qualify.

LEIN: Any other questions?

BARCA: Yes. I'm looking at this and just wondering about the aspect of the use of this facility as opposed to just a bed and breakfast style facility. Is there the distinction because of the events that take place or is it the size that is creating this "country inn" designation? Because we already have the ability to do bed and breakfast facilities out in the rural area.

ORJIAKO: I don't think that that is the case at this point. I think those you may find in a commercial district. If they could have gone through and applied that this be turned into a bed and breakfast, but that's not the intent. This has some historical significance to it in terms of some architectural features, what the site have been used for before, there's some characteristics that we believe this site could qualify, but getting on the Registry is one element and that's why we considered it under this provision that we're making a recommendation on.

BARCA: Okay, I guess that's the direction that I was hoping for as far as the discussion then. And the aspect of "country inn" is really one where the historical registry is a strong element of why it's there to begin with?

ORJIAKO: Yes.

BARCA: Okay. So if somebody wanted to create a new facility that emulated all of this but they didn't have the historical registry, then there would be no opportunity for somebody to do that in the rural area?

ORJIAKO: Yes, that's correct.

SMITH: What makes the fact that they're on the Clark County Heritage Register make them this more applicable to them than somewhere else?

ORJIAKO: You know, if you really look at it from a strictly land use perspective, if it's a use that is permitted outright you will see all these, you know, you will see similar type of

uses, you know, if it's a use that is permitted outright. In reviewing this proposal and this particular site that prompted us to review this, they've tried other options, changing the district to set in at least commercial or rural commercial outside of a Rural Center boundary to permit the type of uses that they are seeking. Remember, we're saying as "event facility." That key word is essential in looking at why we're proposing this. So the idea of getting on the Registry is one that we believe that it goes hand-in-hand with the aspect of the site and, you know, using it for the facilities or the functions that we're recommending, it can be used as a retreat, if it has some architectural features or historical significance that makes that an attractive place to go for a retreat or banquet or other activities, but you couldn't necessarily have an old barn and want to use it for this type of facilities, it has to meet some characteristics by getting on the Register. So that we felt is significant in terms of our proposal.

WRISTON: Why conditional use versus -- because, you know, I mean in these areas I don't know how many uses, you know, how many of these inns and, you know, historic significance we're talking about and get on the Registry and all, but I mean why conditional use? It seems like we would encourage these things. And I don't know, I just think of, you know, what they're doing in Yamhill and different areas in terms of the bed and breakfasts and the inns and things like that. Isn't that the types of uses we would encourage in the Rural districts and Rural Centers?

ORJIAKO: Yeah. But, you know, in looking at this I think one would have to consider that when you're looking at the rural area, you really are talking about some rural character or some aspect of the environment that you may want to consider. This is one-time event or it's been used for wedding reception on a Saturday or Sunday. You may want to consider issues relating to traffic where and how, where is this site and how often is that being used for this type of activity. So you really want to be able to do this in a manner that it doesn't change the character of the area. We would have to review how, you know, the size of the site, where, you know, if adequate parking is provided and, you know, in a manner that doesn't disrupt the character of the area of the neighborhood.

WRISTON: But that could all be done through site plan review, though, or not? I don't know. I just, you know, it seems like that's kind of one of the uses that would be fitting for a -- if you've got these historic sites within these Rural districts, they're historic for a reason and they're not. I just think of "country character" as these country inns and bed and breakfasts as going part and parcel with some of the other things that these Rural Centers and Rural districts do to, you know, that's why I was curious. And you've answered the question. I was just kind of curious if that was ever considered, that maybe it should just be an outright permitted use.

ORJIAKO: Yeah. You know, there are some particular application that, you know, we go through, you know, fast track site plan review if there are no major issues, but we felt that to consider those issues relating to traffic and noise or whatever the case may be that it makes most sense to go through this use and the Hearing Examiner, you talked about it

may put some conditions of operations and other things that may make it more available to the surrounding neighborhood. We don't want to approve this as staff only to be see it appealed because of other issues that we didn't consider, but we felt that under the conditional use permit it makes sense to look at some issues that we may not fast track.

WRISTON: (Inaudible) show ignorance, but I mean couldn't one of these become a museum or a, you know, a place where people tour?

ORJIAKO: It could if that's the desire of the --

WRISTON: Of the owner?

ORJIAKO: Yeah, it could.

WRISTON: But what type of use is that, conditional or permitted or --

BARCA: Country inn used as a museum, is that your question?

WRISTON: No. I'm just curious what are their other options in these and I know it depends on the -- I guess it depends on the zoning but --

ORJIAKO: Right. But, you know, I don't know whether you'll find "museum" in the Rural Center. I don't know. I just don't know.

LEIN: Well, a conditional use provides for public input --

ORJIAKO: Yes.

LEIN: -- where a site plan review doesn't.

ORJIAKO: Yeah, that's what I --

BARCA: Does anybody recall what the zoning is for the Alderbrook site?

ORJIAKO: It is Forest Tier II.

BARCA: With a conditional use for its activity?

ORJIAKO: Well, at the time it was a use that went through a rezone back in the 1970s I believe. But as you know, the GMA requires recognition of existing resort areas and I think we brought that issue before the Planning Commission and you approved it.

BARCA: Right.

ORJIAKO: So there is a provision that we use required under the GMA that allow Alderbrook to be recognized as an existing resort. That's not what we're recommending, this one is a little bit different, but it has some of those characteristics except that it comes under the Clark County Registry.

BARCA: And, yeah, I was, actually was trying to weave together in my mind one exception over in this part of the county and now we're creating a different type of exception in a different part of the county, and just thinking to myself from the standpoint of the events and the style of usage is there some commonality that makes it worthwhile to look at it at perhaps a broader designation that could take place within a rural setting? And I'm certainly not in a position to say I've formulated any ideas, but I was just kind of thinking out loud and I needed that refreshment on what Alderbrook was. Thank you.

LEIN: Any other questions of Oliver before we open it for public comment? Okay. Anyone from the public wishing to testify on this particular item?

PUBLIC TESTIMONY

WARD: Good evening. My name is David Ward, I am an attorney at the Landerholm Law Office here in Vancouver. Our address is 915 Broadway. I'd like to start by thanking Oliver because without his input and continued hard work on this we really wouldn't be here tonight. Some of the options we've talked about, including the Alderbrook development, were ideas that we floated and ran by Oliver. We talked about the conditional use permit versus site plan review. We talked about just event facilities under 10,000-square feet was an idea. We've worked with a lot of different ideas and this is kind of where we've come out.

I think that what is interesting about this is the historical significance aspect of it and that's something that was one of the final proposals with some input from Derek Chisholm. It's interesting because it does place some additional limitation on the property and it also has an additional layer of review, so going back to sort of the public input layer of it. And I'm not an expert on how the Historical Society does their designations, I think they hold public hearings but I'm not positive on that, but there is another layer of review there that you'd have to first go in and demonstrate that you were of historical significance and get on the County's Register. After that, then the next layer is the conditional use permit.

I think one of the reasons this fits well in the conditional use portion of at least the R-5 code, and I think the R, the Rural Centers code is the same, but I know, I'm pretty familiar with the R-5 code, you've got a series of uses that are conditionally permitted. There are churches, golf courses and private recreational facilities, which is sort of broad, but it includes things like gun clubs and race tracks, so we thought, well, this fits pretty well, we'll add a definition here, put "country inns of historical significance" and so it fits in well

with the CUP criteria. As I think Oliver covered, the difference when you go to a CUP is your mandatory public hearing and you're required to demonstrate that you're not significantly detrimental to the health, safety or general welfare of the public and the neighbors and that you're not going to be detrimental to the property in the area. So there's an additional review there that covers that general welfare, which is one of the things that's covered in or required in order to get a comp plan change, so we thought it was at least acceptable to have to go through that process and to make that a conditional use.

Also noting, and I think this is one of the questions Commissioner Barca was talking about, these will be existing structures, they're not necessarily existing uses. You could have a house that had been a historic residence that would then be used as it's a bed and breakfast type of use, but you're talking about existing structures, not new structures. I'm again not completely familiar with the requirements to get on the Historic Register, but my understanding is most of these buildings are over 50 years old at minimum. This particular facility dates back to the 1800s. There was a fire and there was some remodeling done in the '20s, but it's certainly, I believe anyway, is going to qualify. We haven't gone too far down that process because we wanted to go here first and figure out what our options were going to be.

I think one of the interesting things about the text amendment itself and the historical aspect is that it will encourage other users to come in and apply for the historical designation. That was one of the other questions that was asked, are there any other facilities like this and the answer was not that I'm aware of. Well, the reason I believe is not because they aren't out there, it's because there's really no incentive for them to come in and become historical facilities. There's a lot of restrictions that go along with being on the Historical Register. You're restricted with the type of, the type of remodeling. When you want to put in a new stove you have to get permission. There's a lot of things you have to do that are somewhat restrictive and there's somewhat of a disincentive for people to apply. I think if you adopt the text amendment here you will give people an additional incentive, which I think is important in the county. It's certainly one of the goals that the County is trying to promote.

There's comp plan policy in particular that I think relates to this and it's Policy 413, 4.13, which is encourage and support public recreation, education and interpretive activities and facilities which compliment the rural character and rural, I'm sorry, and resource activities located throughout the rural area. I think this sort of small-scale commercial development with the historical aspect tied in not only provides sort of education and interpretive facilities, and I think there was a question about whether it could be a museum, one of the things in the definition is educational seminars, certainly I think you could add the museum aspect of it. I would think that virtually any building that's going to go ahead and apply for the historical designation would have some sort of an interpretive center or some sort of a display about the history of the building and I think that's part of the attraction to a facility like this. I think it also encourages the preservation of heritage

that's really important to the County and to its citizens and to be able to keep these buildings around and make sure that they're, you know, they continue to use and visited by people.

The size limit of 10,000-square feet will prevent real high intensity commercial users from taking advantage of this. Additionally, as I mentioned, the CPU benefit, the CPU review. I think that the benefits really do outweigh any possible drawbacks. I realize that at this point we're talking about one facility, but I think that if you do adopt the text amendment, you'll have some other facilities that will come in, you'll have some historical designations and there's some opportunities for some really neat developments in the rural area. I'm open to any questions.

RETURN TO PLANNING COMMISSION

LEIN: Return to the Planning Commission. Questions of staff? Discussion? Motion?

WRISTON: I'd **MOVE to approve** this. I think it sounds like the applicant is in favor of the process and to me it seems to fit within the intent of these designations, so I would move to approve.

RUPLEY: I'll **second**.

ROLL CALL VOTE

BARCA:	AYE
SMITH:	AYE
WRISTON:	AYE
RUPLEY:	AYE
DELEISSEGUES:	AYE
LEIN:	AYE

LEIN: Recommendation will be forwarded on to the Board of County Commissioners.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION, continued

Docket 2003-056 (Kimsey, Doug). The property owner is seeking to correct a possible mapping error. Redesignate and rezone the southern portion of the parcel Community Commercial (C-3) to be consistent with the northern portion of the parcel Urban Low (R1-10).

TOWNE: Behind Tab 6, Docket 2003-056, Doug Kimsey. This is a request for altering a mapping error for the zoning to change from a portion of the parcel from Community Commercial to Urban Low R1-10. The applicant has a home that's built on the parcel.

And if you turn your page to the map, you'll see the black dot in the middle of the parcel and the dark line just below that dot is the split zone. And I'll go over and put this on -- do you want me to put this on the overhead to help out?

BARCA: Yes.

WRISTON: Ron does.

LEIN: He likes to see this new technology.

TOWNE: Well, I hope I can run it, that's the big thing. Can you see that?

DELEISSEGUES: Yeah.

TOWNE: Yeah, I'll get the screen down too.

LEE: Now you may regret this when the screen is coming down.

RUPLEY: He wants to get Jeff's head.

WRISTON: That's trippy, all right. I was thinking it was going to cover that over there.

TOWNE: I'm very proud of myself for even knowing how to do this.

WRISTON: Who designed that?

BARCA: Okay, I'm done. That's all I wanted.

TOWNE: Okay, so let me see, I'm not used to this either. This is the parcel that we're speaking of right here. The zoning line is this line. The parcel line is to the south of it right here.

WRISTON: Oh, okay, I see. So we go like that.

TOWNE: The northern part of this parcel where the black dot is is zoned R1-10. The southern portion is C-3, commercial, Community Commercial. We are recommending that the line be moved down to the parcel so there's no split zone there and so that whole, that larger piece, the western piece of the parcel, would be zoned R1-10, but we are recommending that this little nose that fronts NW 36th Avenue remain C-3. And that's because, if you can see this, C-3 goes all the way up and there are commercial pieces here and it was meant and intended for that to be commercial, that frontage. It wasn't intended necessarily to have the commercial back here. And there is a home right about where that black dot is, a newer big home. So we're approving the line to be moved here, the large piece of the parcel would be R1-10, the small little nose would remain C-3.

LEIN: This small node that would remain C-3, is that even a viable lot that could be developed with anything on it once you get setbacks?

TOWNE: Yes. Because if you can see the parcels north of it, they're built, they have small, there are small businesses all along these and it's about the same distance.

LEIN: Well, I'm talking in the north/south direction, up and down. It looks like it may be about the same size as one of the units or one of the parcels up further to the north.

TOWNE: If you drew this line like this --

LEIN: Correct.

TOWNE: -- and my, it's not drawing, and here's the parcel line. This piece is approximately the same as these two pieces and even bigger than these and those do have very small commercial businesses on them. So that's all I could answer. I don't really know the footage, though, they're on.

LEIN: Well, it could be combined with other parcels, but if it isn't my concern would be is it legitimate to put some type of C-3 use on there when you've got the setbacks. Some of the other ones may be old enough that they don't conform with the new setbacks anyway.

TOWNE: That could be.

LEIN: Thank you.

WRISTON: So the line just basically follows down those smaller parcels, that's where the C-3 is, and then the rest of that property is R1-10. I just want to make sure. I mean I don't know if you can draw it or color it or -- right, all, everything from there west is R1-10?

TOWNE: That's correct. Just like this.

WRISTON: Okay. So everything that sliver and --

TOWNE: But all this is C-3.

WRISTON: Right, and so that joins in the C-3. And then what about --

TOWNE: This is all C-3.

WRISTON: Okay. So that sliver that you were pointing out, that long, not that one, the other one to the west, right there, is what, R-10

or --

TOWNE: Is now C-3 and we want to change it to R1-10. That's what we --

WRISTON: To R-10 so it will square up, okay.

TOWNE: Yes, that's what the recommendation is.

WRISTON: All right. I just wanted to make sure that -- got you.

TOWNE: That's an odd piece.

LEIN: Anything else?

TOWNE: No, I'm finished unless you have any questions.

LEIN: Any questions of Ms. Towne?

SMITH: Under the three criterion you use corrects an obvious mapping error, is (b) also in effect, better implements the application, applicable comprehensive plan policies than the current map designation? They probably both apply, but in this case it was an error?

TOWNE: It's an error. We believe it's an error.

DELEISSEGUES: I have a question. Can you raise this back up?

TOWNE: I will. I think I have one more map after this then I will.

DELEISSEGUES: I'm getting claustrophobic here.

WRISTON: I like it.

DELEISSEGUES: In your case it ought to be a little lower.

RUPLEY: Does it go lower, yeah.

LEIN: Any other questions from members of the Commission on this issue? Is there anyone in the audience wishing to testify for or against this? Mr. Hadley.

PUBLIC TESTIMONY

HADLEY: Ken Hadley, 1317 NE 4th Avenue in Camas. I have a question here. Are we

doing a land division on that C-3 parcel? I don't understand what's going on. And you took the map down too quick.

TOWNE: No, we're not doing a land division. It would be a zoning line so there's not a land division.

HADLEY: But it's still part of one parcel, part of it will be zoned R1-10 and part will be zoned C-3, so how can you put anything on the C-3 portion, it's not separated?

TOWNE: Well, that would be what is considered the intent of that strip along with that the lower C-3 area is that if something -- I think what Vaughn was getting at, too, that if someone wanted to do something, there would be a combination of the different lots and it probably would take time that, that whether that house was going to and they'd have to do a division.

HADLEY: Well, I'm totally confused. Either I don't understand anything about land division ordinances in Clark County or this doesn't seem like it would work. If you can't separate that little piece, you can't combine it with the lot either to the north or the south. And if you have to use the entire parcel which includes the house, it should either be zoned all C-3 or all R1-10. I don't see how you can make this work if you can't separate physically that little piece that you're wanting to zone C-3. I'd like to have a clarification. Maybe I'm confused and I'd like to have it explained to me.

LEE: I think you're probably right, you'd probably need some sort of either boundary lot adjustment or a subdivision to make that particular parcel --

HADLEY: How large is that parcel?

LEE: I don't know what it is. We'll say that it was the property owner that came forward with this request to us to change it to R1-10.

HADLEY: Sometimes requests are not correct.

LEIN: Well, the other issue as far as the access to the R1-10 would have to be through the C-3 which will then also unless they get a different access.

HADLEY: Well, the question is whether that entire parcel should maybe be R1-10, but how large is the parcel?

TOWNE: The full parcel, I'm not too sure. I'm not too sure how big the full parcel is.

HADLEY: Well, is it large enough that it could be divided under the R1-10?

LEIN: Yeah, it's 1.37 acres.

TOWNE: Yes. Thank you.

HADLEY: So it could be separated in a land -- or a boundary could be changed?

LEIN: Or lot line adjustments.

HADLEY: Okay. Well, it makes a little more sense, but it still seems to be awfully convoluted. I have no personal objection to it, but I was totally confused.

TOWNE: I didn't mean to confuse you.

LEIN: Any other public testimony? Okay.

RETURN TO PLANNING COMMISSION

BARCA: Based on Ken's question is it possible to shade in the parcel 187831 so we can see the distinct boundaries of that parcel?

TOWNE: The entire parcel you want me to shade it in?

BARCA: Yeah.

TOWNE: Yeah, I'll crosshatch it.

BARCA: Yeah, we have the lines that designate the zoning difference and I'm a little confused in relationship to the parcel then.

TOWNE: I'll crosshatch the whole parcel and you can see that. That's the full parcel.

WRISTON: So I guess we're presuming, I don't know, maybe we're not, those may just be zoning lines. We don't know whether there's two legal lots there or not in terms of any kind of lot line adjustment.

TOWNE: That is one parcel.

WRISTON: It's all one parcel --

TOWNE: That is all one parcel.

WRISTON: -- and it's just zoning lines that --

TOWNE: It's only zoning lines that are separating that.

LEIN: So the issue is --

WRISTON: So what Ken points out is actually a fairly legitimate -- I mean the applicant requested that the entire parcel be --

TOWNE: R1-10.

WRISTON: -- zoned R1-10, and what Ken points out is actually a very legitimate concern perhaps. I mean I can see why that should be why we would think that should be C-3 there on the frontage there on 36th Avenue, but I'm not quite sure how you get around that. I mean it's great to draw nice lines and squares and make it all line up and all, but I'm not sure what the applicant would do by doing it that way. I mean unless you guys can give us direction in terms of how if there's no lot line adjustment, if there's no legal lot line, unless you're going to put him at the mercy of his neighbors, if there's no, you know, two separate legal lots, what are the options between the C-3 and the R1-10. Could they do it as a mixed use or something?

TOWNE: I mean it's an awkward situation. If that was changed to R1-10, then you would have this little nose in between the two C-3s and would that affect the commercial to the north and the south, I don't know.

WRISTON: Yeah. And I don't get a big sense for the scale or whatever. I'm not sure that that wouldn't be used for access anyway. And maybe it would be, you know, you'd use that little nose for the access off of 36th Avenue and then develop the rest of the --

LEIN: There's no other access.

WRISTON: -- the parcel. There's no other access that I see. I mean logically I'm not sure that it's as big of a problem as, but perhaps it would be. Maybe the split zoning doesn't affect the, whether we use it as a, whether they would use it as access or not. I don't know. It's awkward. That was a good --

TOWNE: It is.

WRISTON: -- good catch.

TOWNE: And we're, you know, we are trying to follow kind of what the original intent was and that's to know that that whole frontage was C-3.

WRISTON: Right.

LEIN: Okay. Any other questions from members of the Commission? It's been returned back to the Commission. Entertain a motion.

WRISTON: I'd **MOVE that we approve** the applicant's request for R1-10.

DELEISSEGUES: I'll **second** it.

WRISTON: For the entirety of the parcel be given the -- I don't think we ought to put them in that circumstance and it looks like from the scale that it's about 50 foot and logically I think it's going to be used for access anyway. So in terms of consistency and all it just seems like it's an obvious mapping error. Or at least the staff admits it's an obvious mapping error on three-quarters or seven-eighths of the property so I think we ought to stick with the R1-10.

LEIN: All the way through?

WRISTON: All the way through.

LEIN: And no C-3?

WRISTON: And no C-3. I don't think it's fair. I mean it puts them in a difficult position.

LEIN: Is there a second to that same understanding okay?

DELEISSEGUES: Yeah, **second**.

LEIN: Additional discussion?

SMITH: Is the lot to the north of that the same landowner?

TOWNE: No. But to let you know, the lot to the north did phone me and was concerned that that was going to be changed to residential and concerned about that. They wanted, would like to keep it C-3 along that whole --

WRISTON: Is it 50 feet wide though? I mean it looks like it's very narrow. I mean I'm just judging 50 feet, 75 feet.

TOWNE: Well, Mike just had a guess, what did you guess that width at?

MABREY: Yeah, about 50 feet.

TOWNE: About 50 feet.

WRISTON: So by the time you put in the road and the improvements and everything, if that truly is the only access which, for Pete's sake for a parcel that size it's got to be --

TOWNE: Well, that's the access into the home right now.

WRISTON: Yeah. I mean if you just look at that and you look at the improvements that would be required to go in to service a parcel that size, there's just not much left to do anything with it. So I think the neighbor --

DELEISSEGUES: Just add the remainder to somebody else's --

WRISTON: -- shouldn't be too concerned.

LEIN: Well, they could sell, you know, they could have a road with an easement into it and sell the north half of that C-3 to the northern property owner too as long as they have access and whether they remain with a single-family or they develop that with multiple single-family there.

WRISTON: A road with, yeah, but then we're starting to get into the they can only cut, sell one one way, you know, cut one way and it puts them at the mercy of -- so I don't know. So I'm going to stick to my -- the applicant's not here I take it?

TOWNE: No.

BARCA: Yeah, that's a problem.

DELEISSEGUES: Anyway, I second it.

LEIN: Okay. Motion and second. Any other discussion? Could we have roll call, please.

ROLL CALL VOTE

SMITH: AYE

BARCA: I'm going to vote NO. And I think that's because even though I recognize the argument towards keeping it contiguous for access, it seems to me that it would have been better to have made it all C-3 all the way back and then allowed the back portion of the parcel to be utilized in some commercial fashion as well. So there seemed like there was a choice one way or the other and that wasn't the one I thought was appropriate, so NO.

WRISTON: AYE

RUPLEY: AYE

DELEISSEGUES: AYE

LEIN: NO. I think that the C-3 could still exist on the front. They could have access and then maintain that continuity of C-3 throughout there, just for the record.

LEIN: Okay. Thank you. The recommendation will be sent on to the Board of County Commissioners.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION, continued

Docket 2003-057 (Sunrise Summit). The property owner is seeking to correct possible mapping errors for two parcels. Parcel 123883-000 - the request is to redesignate and rezone the eastern portion, Urban Medium (R-5) to be consistent with the larger western portion, Public Facility (R1-10). Parcel 123831-000 - the request is to redesignate the Urban Medium to Urban Low and retain the R1-10 zoning.

TOWNE: Okay. Behind Tab 7, another correction mapping error, Docket 2003-040A, Sunrise Summit PUD. I'm going to go over to the screen again. This one includes two parcels. It's important to know that an Examiner's decision of approval has been issued for a Planned Unit Development on the subject two parcels in front of you, both with the black dots, with the understanding that the zoning map error would be corrected. And the correction is that the applicant is requesting on the parcel that is zoned, the comprehensive zone plan is PF, this parcel, this parcel includes this piece here as well, so again what you're looking at is a zoning line right there. So this large parcel continues over to here. Okay. And this finger, and that would be this line that goes here, this piece here belongs to this parcel here, they're both one parcel, but again it's split zoned. The eastern portion is Urban Medium with Rural 5 zoning on it and it's within the urban growth boundary line, so we're changing, we're recommending it to be changed to Public Facility to be the same as the large piece with R1-10 zoning. The parcel below, right here, it's this piece, that is, yeah, that's Urban Medium with R1-10 zoning. R1-10 zoning does not belong with UM, with Urban Medium it's an Urban Low zone, so we're changing the Urban

Medium to Urban Low and remains R1-10.

So the culmination of those changes you would have PF as a comprehensive designation, Public Facility, Urban Medium for the comprehensive designation on this and all of it would be zoned R1-10 and that's the surrounding area is R1-10.

BARCA: And all of the lots on the northern boundary is that as a result of some type of cluster?

TOWNE: This is in the urban growth area.

BARCA: No, below that in the PF designation there appears to be a series of segregated lots?

TOWNE: That's a part of this larger PUD and this is Phase II of that same PUD.

BARCA: But you drew the line on the northern side because of the designation?

TOWNE: Under a Public Facility any zone fits. You can have any zone under the comprehensive plan designation of Public Facility. This is a parcel line here so this just got built along with the rest of this that's up here. Or there was no -- what you're looking here at is a zoning line.

BARCA: Right. And my question comes back why is the zoning line there as opposed to encompassing the entire PUD since that's what drives the Public Facility?

TOWNE: Oh, oh, originally -- well, I don't have a lot of history on how this, how all these errors happened to begin with, but originally this was owned I believe by a school district, public, that's why it was a PF, Public Facility. That was years ago.

BARCA: So the open space is available for continued development?

TOWNE: Well, this isn't necessarily the open space for this. Is that what you're thinking, that this is open space for this development?

BARCA: Not necessarily now. I'm thinking that it's open space but it's getting a Public Facility designation and I'm trying to understand the significance of that choice.

TOWNE: Originally it was Public Facility because it was school property and that's often what we do is we put Public Facility with a residential zone on it, okay.

BARCA: Okay. Is it still school property?

TOWNE: No.

BARCA: So why is it retaining Public Facility?

TOWNE: The reason we're not bothering to change the comprehensive plan designation is because there's no reason to, the PUD is allowed under the Public Facility, it's a commercial zone would be allowed under the Public Facility. So we're not even -- we're not worrying about changing that designation, what's important is to change the R1-10, so that it's R1-10 instead of R-5.

WRISTON: So you can do a PUD in a PF zone, PF designation?

TOWNE: Yes. You can build --

WRISTON: So is that what happened here or was the applicant a public facility or did a public facility sell it? Or I mean --

TOWNE: The applicant is --

WRISTON: -- because there was an Examiner's decision that recognized that there was probably a mapping error it sounds like, but you got to get the mapping error corrected?

TOWNE: Right.

WRISTON: So it was never a public facility, it was just --

TOWNE: No, there never was a vacant piece of property there, right, there wasn't a public facility. At one time it was recognized because it was public owned by the school so Planning recognized it and put PF on it.

WRISTON: So PF. And then the underlying zoning on parts was R1-10 and parts, wait, I'm probably going along the same, but public facility Urban Medium R-5, it was R-5 to Public Facility R1-10 to make it consistent with the surrounding?

TOWNE: Right. So what we're doing is we're keeping the PF and just changing that zoning.

WRISTON: Right.

TOWNE: And this is UM, and it's two part, we don't want to split zone it so we're making it all PF.

LEIN: Sandra, I'm confused about one thing. I thought I heard you say that you can't have an R1-10 on an Urban Medium. Did I misunderstand that?

TOWNE: Yeah, okay. Let me start over again. No. No, there's a lot of pieces here so listen carefully here. This piece right here is zoned, is designated Urban Medium with R-5 zoning.

LEIN: Okay, I understand that.

TOWNE: This piece is a part of this parcel so let me do this for you, this is all one parcel so you have a split zone line. Okay.

WRISTON: Right.

TOWNE: Since the larger piece is PF we just went ahead and said let's redesignate this piece to be consistent with the larger part of that same parcel and take that R1-10 which is on the PF and make this R1-10 so this piece of the parcel is consistent with this piece of the parcel.

LEIN: I understand that.

TOWNE: Okay.

DELEISSEGUES: You're just actually moving the line over.

WRISTON: And this question is going to tick you off, but why wouldn't we do the opposite since --

LEIN: Well, explain the lower one then, why are we changing that?

TOWNE: This is designated Urban Medium with R1-10 zoning.

LEIN: Correct.

TOWNE: We want the R1-10 zoning, we want this to be consistent R1-10 zoning, all of this.

WRISTON: Right.

TOWNE: So we changed this to UM over the R1-10.

LEIN: No, you're changing it to UL.

SMITH: From UM to UL.

TOWNE: I mean UL, I'm sorry. From UM to UL.

LEIN: But when you look at north of this site all that UM is R1-10 north of the site.

TOWNE: We're changing this from UM to PF.

LEIN: No, no, no, let's go north of the PF.

WRISTON: To be consistent.

TOWNE: Oh, I see, yeah.

LEIN: All of that is R1-10.

TOWNE: And that's incorrect, this is UM and that's getting changed in another situation, not in today's. Is that what was confusing you, I'm sorry?

WRISTON: Well, yeah, that was what was confusing me because it seemed like --

TOWNE: This is going to be changed through Camas probably.

WRISTON: It seemed like it would make more sense to change it from PF to UM even though I understand that PF is the larger parcel, but it seemed like we were changing it to a --

TOWNE: We'd have to change it to UL, that's this, and that would be fine.

WRISTON: Right. So the bottom line is we'd have to --

TOWNE: You could do that. You could do that.

WRISTON: Should we not change everything to UL then, the whole darn thing? Because it's not going to be a PF. Obviously it's gone through a PUD, there's a Hearing Examiner's decision, it's not going to be a PF. I question designating these PFs and putting residential zones on them, but there's probably a policy reason why we do that to put these, but it seems like it --

LEE: I think from a staff perspective we were just concerned --

TOWNE: Trying to make it simple.

LEE: -- about the narrow grounds on which we can justify a map error and so it seemed the most straightforward if convoluted but the easiest path of resistance to just move the PF over a little bit.

WRISTON: I'd say make the whole thing UL.

TOWNE: Well, it's a split zone and just keep it PF.

DELEISSEGUES: They're not changing the zoning, they're just moving the line.

TOWNE: We can make it UL.

WRISTON: And then make the whole thing UL. If it's going to be fixed, if that UM is going to become UL and just fix the whole darn thing.

LEE: Okay.

WRISTON: It's just a recommendation. I make a **MOTION** that we change the whole darn thing to UL.

RUPLEY: I second.

LEE: You better talk to the Chair if that's the motion. The Chair hasn't asked for a motion.

WRISTON: Yeah, well, he doesn't need to ask for a motion, does he? He asked for a motion. I made a motion to change the whole thing to UL and Jada second it.

LEIN: We haven't had public input on this.

WRISTON: Oh, I'm sorry.

DELEISSEGUES: We don't like your motion anyhow.

WRISTON: I'm sorry about that.

LEE: See, I told you you ought to check with the Chair.

WRISTON: I know.

LEIN: Any additional discussion before we open it to public comment?

WRISTON: We're chatting.

LEIN: Chatting, yes. Anyone interested from the public wishing to testify for or against this?

PUBLIC TESTIMONY

WRISTON: Oh, we do have testimony, see.

BARCA: Was there a historical piece on this as well?

WARD: You know, I'm sure there is some history behind this. At least there appears to be. Once again David Ward, Landerholm Law Office, 915 Broadway. I think I've got a couple of overheads here which might at least shed a little bit of light on this. You'll have to excuse my notes on them though. This will show you the shape of that parcel, the larger one of the two, and it goes all the way over to here as you can see. This is shaded in but this is all that's the shape of that parcel. It was a little confusing on that zoning map which I think Sandra cleared that up, but that's the shape of that parcel. And this one right here is the other parcel we're talking about. So that, I think, kind of just clears up a little bit why we're doing what we're doing. I think everything else is relatively clear.

It's kind of confusing how this all got zoned, but it needs to go, I think it needs to go all R1-10 and all UL. The, I'm sorry, Public Facilities designation I've got some on that too, which is -- this is just a matrix out of the comp plan and you can see that Public Facilities is way over here. And you can do basically anything in a Public Facilities district, it's pretty broad, and we did get a PUD approved on this piece. The only concern I have, and I don't even know how this figures into staff's planning, is if you leave it as Public Facilities and it's not going to be Public Facilities, how does that factor into the overall comprehensive planning policy. I mean do you now have 18 acres that you think in some inventory somewhere is Public Facilities but it's actually not. So that would be the only comment I've got on the Public Facilities. It really doesn't matter as far as we're concerned. Like I said, we've already got the approved PUD so. Any questions?

LEIN: Questions of Mr. Ward?

BARCA: It seemed like a valid question. How does that affect the inventory of vacant buildable lands if it's designated Public Facility?

LEE: We kind of rely on the Assessor's base and if it's inventory public land only fits publicly owned tax exempt is it thrown out of the inventory so we'd look at the zoning.

LEIN: Any other public comment on this particular case?

HADLEY: Ken Hadley again. It's my night for confusion and I'm sorry. I would like to have you show the Camas urban boundary on that map. It's been my understanding that the discussion about this strip of piece is because it is outside the urban boundary. Wouldn't they -- we're talking about the annexation. I believe this is the piece that they've been talking about that they're proposing to have that little strip brought inside the boundary so.

TOWNE: I'll show you. It's very close to what you're saying but it is, it's not the same.

Excuse me, can I use your pen. Thank you. This piece is within the urban growth boundary line but it's --

HADLEY: Where is it? Would you --

TOWNE: -- but it's zoned R-5.

HADLEY: Would you draw the urban growth boundary line.

TOWNE: This is the urban, it follows right here. The urban growth boundary line follows this dark line, okay. So the pieces that you are talking about and that it was at one point being considered but we realized it's outside of the urban growth boundary are these four, or I think it's three parcels right here that are a part of this subdivision but they're outside of the urban growth boundary line and that is a change that has to happen through the comprehensive plan because it's the urban growth boundary line, it cannot be dealt with through a correction in the mapping error.

HADLEY: And that's being requested as a separate action?

TOWNE: That's correct, yeah.

HADLEY: I think the reason this was designated PF was at the time prior to the 1994 plan it was realized that the Camas School District was looking at land in this area for a school building. I just talked to Milt Dennison, the Superintendent of Camas School District, and they bought the adjacent one to the east actually, but I think that's why it has a PF designation. I would not want to have a wide-open PF designation as we just saw from the prior speaker's map, that's a pretty unregulated, I think it should be UL R1-10. It's apparently already approved for a Planned Unit Development and I think it would be more clear that that's what would actually happen and would seem to make more sense.

And so there are some proposals to change the urban boundary in that area and I think the Commissioners have indicated that they probably will approve that. And they certainly in their hearing or their discussion indicated they had no objection, so I think that that probably will change. But it would be much better in my opinion to have that residential and not have this wide-open zoning possibilities. Thank you.

LEIN: Any questions of Mr. Hadley? Thank you, Ken.

BARCA: Ken, how do you like sitting in that chair as opposed to standing up in front of a podium?

HADLEY: Well, it's a little strange but it's comfortable.

BARCA: You've been there a lot more often than normal so I was starting to wonder.

WRISTON: Don't let him bother you, Ken.

RETURN TO PLANNING COMMISSION

LEIN: Any other public testimony? Okay. Return to the Planning Commission. Desires of the Commission?

WRISTON: Motion.

BARCA: I like Jeff's **motion**.

WRISTON: I'll restate it. I apologize, that was a good catch, Vaughn, we got caught up in the confusion. I would move that we make the entire area UL. I think it just for clarity purposes we have a hard enough time figuring out what's going on and we don't need to be for whatever reason, I don't know why we would, but we could be revisiting it, could be an inventory, who knows, but revisiting this whole thing again so let's clarify it now and put UL over the entire area.

LEIN: And when you say "entire area" what is your designation? What we're talking about?

WRISTON: Yeah. Yeah. Those --

LEIN: Just those parcels?

WRISTON: Those parcels. With all this technology you'd think we'd get better mapping. But I mean --

RUPLEY: Now Sandra drew those herself.

WRISTON: Well, I mean, I'm not sure of the clarifications were all, but anyway it's --

LEIN: Is there a second to that motion?

WRISTON: I think we know what we're talking about.

RUPLEY: I'll **second** his motion if he'll quit making the motion.

LEIN: Okay. Any further discussion? The motion is to designate the PF to UL, actually the Urban Medium instead of PF, UL, and the other Urban Medium to UL.

TOWNE: Excuse me, I was just told that I don't think that your **motion** included the

zoning change.

WRISTON: Oh, to R1-10.

TOWNE: R1-10.

WRISTON: Yeah, it does.

TOWNE: R-5 to R1-10?

WRISTON: Yeah. I apologize, yes, it does. It does. My intent is for it and it did not. My intent is for it to make the zoning consistent with R1-10 as well.

RUPLEY: And my second will, yeah, I'm still with you there.

WRISTON: No, that's good though. That's a good, good catch.

LEIN: Any further discussion? Could we have roll call, please.

ROLL CALL VOTE

BARCA:	AYE
SMITH:	AYE
WRISTON:	AYE
RUPLEY:	AYE
DELEISSEGUES:	AYE
LEIN:	AYE

LEIN: Recommendation be forward on to the Board of County Commissioners. We are going to take a brief break and come back in about five minutes.

(Pause in proceedings.)

LEIN: We'd like to reconvene the hearing, continue on with the next docket item, please.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION, continued

Docket 2003-058 (CCC18.334.015, Adoption). Amend 18.334.015 to create consistency with buffer and/or riparian zone width requirements in Chapter 13.51, Habitat Conservation and Chapter 13.36 Wetland Protection.

TOWNE: Behind Tab 8, Docket 2003-058, Amend Clark County Code 18.334.015. And that is the portion of the County Code that deals with the Columbia Gorge Scenic Area. This is a proposal to amend the Code 18.334 to resolve inconsistencies with buffer and riparian zone widths requirements in the Columbia Gorge section of the Code and those found in the existing Habitat Conservation Ordinance, Chapter 13.51, and the Wetland Protection Ordinance, Chapter 13.36. The intent of this amendment is only a stopgap measure to create consistency between the Ordinances until the future work to update the Clark County Code is completed.

The issue here is that the riparian zone widths found in the Habitat Conservation Ordinance in 13.51 is based on the 1996 growth management best available science standards. The wetland protection buffers found in the Wetland Protection Ordinance adopted in 1992 are based on best available science prior to 1996 and the adoption of the Growth Management Act's best available science standards. And the stream and wetland buffer widths in the Columbia River Gorge Code 18.334 were developed prior to the Growth Management Act of 1990 so this is why we have some inconsistencies.

The most important in that paragraph that I just read is that the Columbia River Gorge Code is developed without the best available science standards at that time because it was prior to 1990, it wasn't a requirement. So in order to have kind of like we said a stopgap measure at this time we are proposing to change the code as follows: "Unless otherwise specified in the Clark County Implementing Land Use Regulations for the Columbia River Gorge, applicable Clark County land division, zoning, and other ordinances shall apply to all, and that's the Columbia River Gorge National Scenic Area lands within Clark County. If conflicts arise between buffer and/or riparian zone width requirements in Chapter 18.334 and Chapters 13.51 and 13.36, the broadest buffer and/or riparian zone width shall be required. The provisions of Chapter 18.334 shall provide the minimum protection of natural resources. Additional requirements providing greater levels of natural resources protection, pursuant to provisions of Chapters 13.51 and 13.36 shall be imposed."

Staff recommends that the Planning Commission forward this recommendation as an approval to the Board. And if you have any further questions I can try and help, but also David Howe, our habitat specialist, is here to help answer any questions.

PUBLIC TESTIMONY

None.

RETURN TO PLANNING COMMISSION

LEIN: Entertain a motion if it's very straightforward.

BARCA: Make a **MOTION** to approve as staff recommends.

LEIN: Is there a second?

SMITH: **Second.**

LEIN: Any discussion? Roll call, please.

ROLL CALL VOTE

BARCA:	AYE
SMITH:	AYE
WRISTON:	AYE
RUPLEY:	AYE
DELEISSEGUES:	AYE
LEIN:	AYE

LEIN: Recommendation will be forwarded on to the Board of County Commissioners.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION, continued

Docket 2003-059 (Arterial Atlas Amendment Hwy 99). Amend the current Clark County Arterial Atlas designation of Hwy 99 from Ross Street to NE 134th Street from a 7 lane principal arterial with center turn lane, bike lanes and sidewalks (Pr-6cb) to a 5 lane principal arterial with center turn lane, bike lanes and sidewalks (Pr-4cb).

MABREY: The next item is behind Tab 9. It's a proposal for an arterial atlas amendment on Highway 99. The amendment would change the designation of that roadway from a principal arterial six lane with bike lanes to a principal arterial four-lane roadway.

The impetus behind this proposal is twofold. First, there has been an ongoing citizen led initiative to revitalize the corridor. Team 99 has been working for several years to develop

ideas to improve the appearance and the viability of this as a commercial district. Last October we held a work session with the Board and looked at a couple of possibilities for both physical improvements and planning projects in this corridor, and the Board expressed interest in the planning effort that included amendment of the arterial atlas and exploring changes to streetscape standards and site design and building standards and sign regulations for this corridor. Subsequently with the adoption of the budget they included some funding for staff to work on the planning effort of Highway 99, including this arterial atlas amendment.

The existing conditions vary along this roadway by segment. You can probably visualize it, and I won't burden you with visual aids or impediments, but you've all driven it at one time or another. Starting at the south at the turnoff to the Ross complex, that's where County jurisdiction begins, it's basically a four-lane section with no bike lanes or sidewalks under the bridge and up to 63rd. At 63rd it widens out to 84 feet of pavement and 100 foot right-of-way. The sidewalks are very narrow, they're four and a half feet on the east. On the west side you have a pole line that goes right through the middle of the sidewalk, so effectively you have less than two feet of clear passage in many areas. That condition persists through 78th Street. From there the sidewalk clearance is a little bit better, you have less obstructions in the roadway. You're still 84 feet of pavement and 100 foot right-of-way to roughly 99th Street. There are a few sections between 88th and 99th Street where the additional right-of-way up to 120 feet or up to say 60 feet from center line has been granted as development occurred. My estimation is that that from 88th Street to 99th Street, that frontage, the areas where the frontage right-of-way is up to 60 feet is about 15 to 20 percent of the total frontage area. South of there there's almost none.

From 99th Street north the roadway continues as a five-lane section for a ways and then narrows down. The sidewalks disappear and it becomes kind of an incomplete facility and there are projects on the boards to make improvements along that segment. It continues north over the creek crossing, goes up the hill and becomes more of an urban section again. Through this area from 112th north you have quite a few areas where there's 120 foot right-of-way segment, section, and quite a bit of frontage that isn't fully developed. We have a project on the north end of this that has been funded that will realign Highway 99 and 20th Avenue so that the major movement continues on the what's currently the 20th Avenue section and that will be built essentially as a five lane facility with additional turn lanes at the intersections. So along the south half of this corridor essentially you have an almost complete commercial strip that's been developed for many years, there's not a lot of opportunities for redevelopment and for gaining additional right-of-way that way.

The history of why this road is designated as a six lane principal arterial stems back to approximately 1994 when we were adopting the comprehensive plan. The north/south light rail study was still underway, our comp plan makes mention of the possibility of light rail in this corridor. Subsequently the draft EIS from that study made recommendations

that, let me see now, that light rail be developed in the I-5 corridor with the first phase terminating at 99th Street and then continuing on to 134th Street. The following year the light rail vote was held and funding was not approved by the voters. And when the draft EIS was released in 1998 they pulled back the light rail terminus to the vicinity of the VA Hospital and Clark College and recommended HOV/Busway corridors on I-5 and 205 corridors and then an HOV corridor at SR-500. The recent I-5 Transportation Trade Partnership recommendation supported a phased light rail loop in the vicinity of I-5, SR-500 and over to 205 with peak hour express bus service further north in the I-5 and 205 corridors and a designated HOV lane. So that's kind of the some of the planning background.

In terms of the consistency of this proposal with the adopted land use plan, the majority of land uses along the corridor are designated Highway Commercial. That's a district that requires high amounts of, well, (inaudible) drive-ins and large retail users requires high amounts of access and large amounts of access have been granted. So converting this, the current designation, is not suitable because the intended purpose of a principal arterial is to move traffic through and the Code sets specific limits on spacing, spacing of access on arterial roadways. So to reduce this from a six lane principal arterial potentially to a four lane principal arterial would make it more consistent with the access provisions and the intent of the Code. Consistency with the transportation element I think was discussed in terms of the history of light rail studies in this area. The consistency with the adopted Metropolitan Transportation Plan is such that it is identified as a principal arterial in that, in the concurrent plan. It's not shown to be a high-capacity transit corridor specifically. I-5 and I-205 and SR-500 are shown in the maps. There are some people that would like to interpret that to mean that as a parallel facility to I-5 it should be sort of set aside as a potential high-capacity transit corridor, but that's not really what the Metropolitan Transportation Plan says.

In addition the MTP has an unfunded strategic wish list sort of component, here's the projects we'd like to do if we had money and funding light rail in this corridor is not one of those projects. So as a even out beyond 20 years project it's not on the books to run light rail north on Highway 99. In other respects we have several County projects that are on the list of MTP projects and are on our home transportation improvement program and those projects are not listed as seven lane facilities, they're listed as essentially five lane facilities which would -- so this, approval of this proposed arterial atlas amendment would make the designation more consistent with the yet adopted MTP.

Policy considerations. Probably the primary one is Policy 3.1.2 which states that we should avoid adding lanes to arterial roadways which currently have inappropriate levels of access as defined by County standards. And I think the previous discussion covers that point. In terms of level-of-service, the current traffic levels on Highway 99 do not approach concurrency failure, they don't exceed the design volumes for a four lane principal arterial. In the future some projections show that certain segments of that would go over the 24,000 design volume. That's typically what you would expect for a four lane

principal arterial; however, that doesn't take into account the added left and right turn lanes that are available in this roadway and so the capacity even for future projected traffic is there and will remain there if this stays functionally a five lane facility. I might add that the benefits of reducing the roadway and right-of-way standards here accrue principally to the arterials and the adjoining properties. I'm sorry, not the arterials but rather pedestrians that use this roadway. It surprised me to learn that this is one of the transit line -- Line 71 is one has some of the highest use of any in the C-TRAN system. There's over a half a million passengers a year that board buses in this on Line 71 and 1800 a day. Given the current state of the sidewalks and the ability to move around and cross the road out there, that's fairly staggering numbers.

Some of the problems in addition to just the pedestrian environment are that you have a barrier formed by I-5 on the west side and you have neighborhoods on the east side and you have commercial destinations that are on the west side of the road like Fred Meyer for instance. The frequency of crossings on this roadway are not great, you don't have a lot of signals, they're pretty widely spaced, you have high pedestrian accident and fatality rates, and so reducing the roadway section to a 70-foot roadway standard would allow you to build sidewalks to narrow the pavement width that's out there, which is currently about 84 feet in most cases, and add decent sidewalks and shorten the crossings. I think that's the primary benefit to people who live in this area and work in this area and for transit.

In terms of the consistency of this proposal with the overall roadway system as the arterial atlas shows it, again as a principal arterial there should be very little access. We have at least 14 local streets that intersects this roadway, so the current standard is not really fitting for the levels of access and the kinds of intersections that currently occur along the corridor. There shouldn't be any local streets that intersect a principal arterial for it to function as a principal arterial. Although this reducing it to the four lane standard doesn't completely cure this, it certainly is a step in the right direction. I think at that I won't go into a lot of numbers, but we'll stop and take questions.

LEIN: Questions?

DELEISSEGUES: I have a question. On the existing seven lanes would they be reconfigured to five?

MABREY: They are five lanes, they're currently striped as five lanes, the outside lanes are over 20 feet wide.

DELEISSEGUES: Would you reconfigure those down to some uniform width throughout the length of the project or what?

MABREY: If there is a project that is funded along a segment that's currently built to the 84 foot standard, it would be my assumption that we would bring in the curb line and

reconfigure the lanes to more of the standard lane widths of 11 to 13 feet. And I can show you a drawing of what that looks like.

DELEISSEGUES: No. Yeah, I saw it.

MABREY: I'll put it up here. It's hard to see at a distance. Do you want me to pass this around?

WRISTON: Sure.

RUPLEY: I have a question.

LEIN: Mike, what's the difference in speed limit?

MABREY: I could look it up I think in just a brief moment, but I don't know off the top of my head. I believe the current speed limit out there in most of it's 35 miles an hour.

LEIN: Would it remain the same if you were to increase it? Or decrease it would it remain the same?

MABREY: If you were to build it out as a seven lane section would you increase the speed limit? Is that the question?

LEIN: Or if it actually gets developed better as a four, the four plus one will there be any impact on the speed limit across there?

MABREY: I don't know. All I could do is speak to what's in the Code back as being what's typical.

RUPLEY: There are some peak hour projections on Page 6. Did you see those?

MABREY: Oh, you're talking about actual posted speed limit, aren't you?

LEIN: Posted speed limit. The second question I have is with the varying right-of-way widths out there. What would that do, would the County give up that right-of-way?

MABREY: No, the right-of-way doesn't automatically revert to the property owners. In those areas where it's in excess of 50 feet from center line it would remain County property unless the property owner initiated or the County initiated a road vacation proceeding.

LEIN: Well, what if the property owner did a major development, would they have the ability to come to the County then and work through that issue? Because, you know, when you get the building permit, that's the time to get the frontage improvements done

correctly.

MABREY: Right. And typically that's when we would get the extra 10 feet on each side so those properties where right-of-way has been dedicated have recently been developed. In some cases, for instance Baha Fresh, they have avoided doing the right-of-way dedication by arguing that the preexisting use had a greater traffic impact than and that their current proposed use was not going to increase the traffic impact by 10 percent or more and have avoided doing the extra dedication at all. In other cases the right-of-way has been dedicated but it's essentially been made into a front lawn because there's no use for it at this time because the roadway is already built to at least the 84-foot standard.

LEIN: Okay. Other questions?

RUPLEY: I'd like to know a little bit about the people on this Team 99. How many people are on that?

MABREY: I've only been to three meetings and I don't know that they have an official membership. The attendance has varied from 5 one time to about 15 another time. I think one of the team members is here and who has a little bit more history and will testify.

RUPLEY: Okay, because I was interested in the composition of who they represent because I noticed that under "public comment" there hasn't been probably the usual way of looking at this change. So, okay.

LEIN: Any other questions? Open it to the public from the comment, oh, yeah, for public comment. Anyone wishing to come forward, now would be the time.

PUBLIC TESTIMONY

STANEK: Arlen Stanek, 500 NW Wildwood Drive, Hazel Dell. I'm a reluctant representative of Team 99 tonight, nobody showed up like some of our meetings. Team 99, give you a little background, is a little over two years old. It was born out of a group from the Hazel Dell/Salmon Creek Business Association and that association has been the major sponsor of Team 99. Since then we've added neighborhood association members and just plain citizens from the Hazel Dell area that were concerned. We've had some productive meetings and some not so productive meetings. We were excited for a while and then things bogged down and it started to pick up a little bit now that the County has shown some interest and we have some County planning representation. We have discussed a lot of different ways to attack the problem of improving the area. This is one of the ways to try to slow down the traffic, make Hazel Dell or 99 strip a destination, not something you drive through, which historically it's been, you drive

through the area to get to from one place to another, and our group wants to make the Highway 99 area a destination place.

We are planning to eventually take on zoning changes. We want to try to get incentives for developers through zoning and the Long-Range Planning Department is helping us already. We're looking for grants, ways to get money, planning money, and maybe even eventually development money. That's about all I can tell you. I do find myself in an unusual position tonight. I totally agree with staff's report. So if I can add anything at all, I will.

RUPLEY: Mr. Stanek, how do you think that this change will make this a destination area versus a drive-through?

STANEK: Well, one of the things that we want to do, of course, is right now we have 100 feet of asphalt in a lot of -- most of the area, we simply want to right now get some landscaping on each side of the street, get some sidewalks, narrow the pavement and slow down the traffic, and we think that if we can do that we might start to attract some more interest in development and then we'd want to go further with that and try to do some incentive with zoning and maybe we can get property owners to work together. One of the things that we want to do is try to get rid of a lot of the driveways. We have one property with five driveways going onto Highway 99. They can do the same thing with one and share another driveway with the next property. We see a lot of possibilities and we think that once we get the ball rolling and get something started, and this would be a start, we can start to get property owners to take an interest in what we're doing.

RUPLEY: So then probably the second question I have is do you feel that this group even though you may have not had good attendance is representative of the folks that are out there in terms of this change?

STANEK: We have had representatives from Fire District 6, business owners on the strip, property owners on the strip, C-TRAN, Hazel Dell Sewer District has been represented, we have had interest from all of these groups and the interest has waned I would say in the last six months because nothing seemed to happen. Well, then all of a sudden the Commissioners bought into the program and interest is starting to pick up again. So, yeah, I think we get this done and I think things will start going, things will happen.

RUPLEY: Thank you for coming tonight.

STANEK: Thank you.

LEIN: Any other questions? Okay.

DELEISSEGUES: Jada dismissed him.

RETURN TO PLANNING COMMISSION

DELEISSEGUES: I just had one comment. And that is with the high transit capacity apparently on this roadway, you say C-TRAN has as many passengers on this route as they do anywhere I guess?

MABREY: It's probably not the highest but it's among the top five.

DELEISSEGUES: I'd just really encourage them to put the turnouts for bus loading and unloading because without those turnouts you just almost go to one lane because as soon as the people find out that a bus is going to stop right in front of them, they're all going to get in the middle lane anyway and it really causes a bigger problem I think than it's worth not to put the turnouts in, especially if you've got the dedicated right-of-way that you're going to do something with anyway there.

SMITH: Are we going to -- there's a, oh, between 88 and 99 there's a lane in the middle where you can sneak into and then kind of move over.

MABREY: Yeah, there's --

SMITH: Are we going to lose that?

WRISTON: What, you don't want to lose it?

SMITH: No. My office is between 88 and 99 and at 4:00 in the afternoon there's no way in heck you're going to make a left turn out of my place without getting in that safety zone before you can move over into the right lane.

MABREY: But the center left turn lane is still part of the design of a principal arterial, although as it gets reconstructed there's potential that a portion of that will have median in it so that you won't have --

RUPLEY: You'll be driving down the median, Carey.

SMITH: Get a bigger truck.

MABREY: You won't have unlimited possibilities to dive in and dive out, that's the way to make an arterial function better. It becomes a little bit of an inconvenience for the adjoining property owners and people visiting those businesses, but those decisions get made at the design stage which areas specifically have left turn capabilities and which areas don't.

SMITH: It is a wide street. To walk across it sometimes I pack a lunch and it's amazing.

LEIN: Further discussion or motion?

DELEISSEGUES: Yeah, I'd make a **motion** that the Planning Commission approve the proposed staff amendment to the arterial atlas for Highway 99.

LEIN: Is there a second?

BARCA: **Second.**

LEIN: Any further discussion? Roll call, please.

ROLL CALL VOTE

BARCA: AYE

SMITH: AYE, but only because I'll be retired before it really happens.

WRISTON: AYE

RUPLEY: AYE

DELEISSEGUES: AYE

LEIN: AYE

LEIN: Before we continue on I think Ms. Rupley has some comments about the next docket items and I will be recusing myself as usual from this and Mr. Wriston will be taking over as Chair.

RUPLEY: I just wanted to disclose that my place of employment is ESD 112. I am not going to recuse myself because I feel I can make an objective assessment on this.

WRISTON: Well, that was quicker than Lonnie's.

LEIN: But equally eloquent.

WRISTON: Yeah, I know, 45 minutes later. Anybody have any problems with that? I assume probably not so.

DELEISSEGUES: Very unusual.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION, continued

Docket 2003-049 (Evergreen School District Capital Facilities Plan). The school district has submitted an updated capital facilities plan pursuant to Section

18.65.095 CCC.

WRISTON: All right. Let's move on to these docket items. We've got, there are --

TOWNE: Nine.

WRISTON: Yeah, I'm going to look at my list here. There are one, two, three, four school districts, Docket Items 2003-049 through 054 that basically have no changes, and I guess what I'm wondering is like we do the current use whether we ought to take those first and, you know, open it up for brief staff comment and then Planning Commission, public testimony and see where we land?

TOWNE: Great. I was going to recommend the same.

WRISTON: Yeah, does that sound all right with you guys?

BARCA: You want to do them first --

WRISTON: Do them first --

BARCA: -- as opposed to putting them off at the end?

WRISTON: -- because they're unlikely to I think -- if they're seeking no change we generally aren't in a position to question that, I mean, so --

DELEISSEGUES: Yes --

WRISTON: -- does that sound all right?

DELEISSEGUES: -- I agree with you.

WRISTON: All right. Staff.

TOWNE: Yes. Okay. So in that case let's turn behind Tab 15, that's the Evergreen School District Capital Facilities Plan. Evergreen School District Board has not modified its capital facilities plan and recommends that Clark County formally adopt the plan and collect school impact fees as follows with no change and staff recommends approval for that.

WRISTON: Okay. I think we just take these and unless you guys have specific questions, we can take them as or do you want to --

TOWNE: I think it would be better --

WRISTON: Public testimony, do them one at a time?

TOWNE: Yes, because we're separate dockets.

WRISTON: Okay. Thank you. All right. Any questions of staff? Any public testimony?

PUBLIC TESTIMONY

ALLEN: Good evening, my name's Marnie Allen, I'm an attorney at Preston, Gates & Ellis, mailing address is 222 SW Columbia Street. We represent the Evergreen School District, Reg Martinson the Facilities Manager was not able to be here tonight. I could if you're interested summarize for you basically what their facilities consist of, what their current enrollment is, what their projected enrollment is, all that is in the plan, though, and unless you have questions I'm also fine just to offer to answer questions. And if there aren't any, we'll go to the next one.

WRISTON: Any questions?

DELEISSEGUES: I just had one question on the projected increase in enrollment to 4,653 by the year 2009. Is that based on a change in the comp plan or the existing comp plan, comprehensive plan?

ALLEN: That's based on the existing comp plan. It's based on a six-year forecast that the school district got from the State Office of the Superintendent of Public Instruction. And it's kind of a cohort survival methodology. They looked at number of births in the county, survival rate and project out six years only of how many students will be attending school in the district.

WRISTON: So it's different from our population rate that we've chosen?

DELEISSEGUES: 19.6 percent.

RETURN TO PLANNING COMMISSION

WRISTON: That we didn't choose but the Commissioners chose. Okay. Any other further questions? All right. Thank you. Further public testimony? Return to the Planning Commission. Discussion? Motion?

DELEISSEGUES: I **MOVE** that we approve the Evergreen School District Capital Facilities Plan.

WRISTON: Second?

BARCA: **Second.**

WRISTON: Further discussion? Roll call.

ROLL CALL VOTE

BARCA: AYE
SMITH: AYE
WRISTON: AYE
RUPLEY: AYE
DELEISSEGUES: AYE

WRISTON: Great. The motion carries.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION, continued

Docket 2003-050 (Green Mountain School District Capital Facilities Plan). The school district is seeking re-adoption of their current capital facilities plan pursuant to Section 18.65.095 CCC

TOWNE: Okay. Moving on to behind Tab 16, Green Mountain School District Capital Facilities Plan. They have not modified their capital facilities plan and therefore recommend that Clark County formally readopt the current plan and collect school impact fees as follows, which includes no change, so they're readopting their current plan.

WRISTON: Okay. Thank you. Questions of staff? Any public testimony? All right. Return to the Planning Commission.

BARCA: **Motion** to approve.

RUPLEY: **Second.**

WRISTON: Any discussion? Roll call.

ROLL CALL VOTE

BARCA: AYE
SMITH: AYE
RUPLEY: AYE
DELEISSEGUES: AYE

WRISTON: AYE

WRISTON: The motion carries. Thank you.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION, continued

Docket 2003-052 (La Center School District Capital Facilities Plan). The school district has submitted an updated capital facilities plan pursuant to Section 18.65.095 CCC.

TOWNE: Behind Tab 17, the La Center School District Capital Facilities Plan also has not modified its capital facilities plan and recommends that Clark County formally readopt its plan and collect school impact fees without any changes.

WRISTON: Questions of staff? Any public testimony? All right. Return to the Planning Commission. Discussion? Motion?

SMITH: **Move** to approve.

BARCA: **Second.**

WRISTON: All right. Any further discussion? Roll call, please.

ROLL CALL VOTE

BARCA: AYE
SMITH: AYE
DELEISSEGUES: AYE
RUPLEY: AYE
WRISTON: AYE

WRISTON: All right. The last one in that group.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION, continued

Docket 2003-054 (Vancouver School District Capital Facilities Plan). The school district has submitted an updated capital facilities plan pursuant to Section 18.65.095 CCC.

TOWNE: Tab 18, Vancouver School District Capital Facilities Plan have not modified its plan and recommends that Clark County formally readopt the plan, collect school impact fees as follows with no change.

WRISTON: Questions? Public testimony?

HORENSTEIN: May I stand?

RUPLEY: You may stand.

HORENSTEIN: Thank you.

WRISTON: You may stand. Well, yeah, if Jada says you can stand, you may stand.

PUBLIC TESTIMONY

HORENSTEIN: Good evening, my name is Todd Horenstein, Assistant Superintendent for the Vancouver School District. Thank you for addressing our facility plan this evening. We concur with the recommendation. I would like to clarify that there have been modifications relative to the enrollment projections, not the impact fee however, that remains the same. Similar to the comment that Ms. Allen made about Evergreen, our plan is based on the current zoning. We do anticipate growth of about 2,000, a little over 2,000 students by the year 2009, would note that that still leaves us in a deficit housing situation, meaning we will have students that are unhoused, primarily the use of portables in order to accommodate the enrollment, but the use of impact fees has been very helpful in mitigating the growth from since 1994 until the present day, so the fees are still important to the school district. We'll continue to use those as a part of our building program to help mitigate the growth that we anticipate between now and 2009. So unless there are any questions, basically we request that you send to the Board of Commissioners a recommendation to adopt our revised capital facilities plan.

WRISTON: Thank you, Mr. Horenstein. Any questions?

DELEISSEGUES: Yeah, I've got a question. Do you foresee in Vancouver a time when there will be some areas where the school facilities are not used to their fullest capacity and is there any plan to sell off those school properties and maybe buy newer properties

in areas where the growth is occurring?

HORENSTEIN: We don't anticipate in the near or long-term that there will be excess school space. All of our facilities will be virtually at capacity. Actually our concern is the inability to find future school sites. The Vancouver School District is contained virtually entirely within the Vancouver urban growth boundary, there are no large parcels remaining that are undeveloped for future schools, so we're likely to see different types of schools in the future than what we're used to constructing now.

DELEISSEGUES: Thanks. Thank you.

WRISTON: Further questions?

BARCA: I have a question on Page 7 of the capital facilities plan that you submitted, Category C, when you talk about modular housing you made a point that a portion of this student increase was going to be housed in modular facilities. What is the expenditure that you anticipate for modular facilities? Because I know that you can fund that out of impact fees and I just didn't see that particular number broken out there.

HORENSTEIN: Yes, there's a reason for that. Vancouver has not elected to use impact fee money to acquire portable classrooms. We don't anticipate using the impact fee money for that. And in fact the Vancouver School District rents portable units rather than purchases them so as we build additional permanent space we can return those portables and get them out of our inventory. It's been slow to return because of the growth, but after our next building completion of about a year from now we anticipate being able to release some portables. But we don't purchase them with impact fee money.

BARCA: But you are actually returning some even though it appears that you've been continuing to run this deficit of available space for the students?

HORENSTEIN: Because of our construction program we'll have a short period of time where we don't anticipate needing the amount of portables that we currently have. We currently have about 83 portables in the district. We anticipate being able to release some of those for a short period of time and per our growth projections and later on towards the 2009 period is when we'll see an increase in growth to the point where we'll have to reacquire either portables or other permanent space.

BARCA: Okay, thank you.

WRISTON: Further questions? Great. Thank you, Mr. Horenstein.

HORENSTEIN: Thank you.

RETURN TO PLANNING COMMISSION

WRISTON: Any further testimony? Great. Return to the Planning Commission.
Comments? Discussion? Motion?

DELEISSEGUES: I **MOVE** we recommend **approval** of Vancouver School District
Capital Facilities Plan.

RUPLEY: **Second.**

WRISTON: Any further discussion? Roll call.

ROLL CALL VOTE

BARCA: AYE
SMITH: AYE
RUPLEY: AYE
DELEISSEGUES: AYE
WRISTON: AYE

WRISTON: Great. Thank you. I guess those are the four that proposed no changes.
And I guess I want to make the comment that we don't take the no changes lightly, it's we
generally see these at least once a year I believe. Is that about --

TOWNE: It's now every two years.

WRISTON: Now every two years now.

TOWNE: It just changed, yeah.

WRISTON: But in any event, most of this Planning Commission has reviewed these
several times, probably at least one in some of our cases and some of ours several times.
All right. So we'll flip back to the --

TOWNE: Go behind Tab 10.

WRISTON: Tab 10.

TOWNE: And there will be five schools.

WRISTON: Battle Ground; is that right?

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION, continued

Docket 2003-047 (Battle Ground School District Capital Facilities Plan). The school district has submitted an updated capital facilities plan and a proposal for an impact fee increase for single-family and multi-family units pursuant to Section 18.65.095 CCC.

TOWNE: That's correct. The Battle Ground School District Capital Facilities Plan. The Battle Ground School District Board has modified its capital facilities plan and recommends that Clark County formally adopt the plan and collect school impact fees as follows: It is proposing the new fee for single-family is 3,000, the new fee for multi-family residence of 1,000. Their request is consistent with Section 18.65.095 of the Clark County Code. Upon review staff found that the school district's capital facilities plan does meet the minimum requirements of the Clark County Code. And those requirements are standard of service, inventory of existing facilities, a forecast of future needs, proposed locations and capacities of expanded new facilities, a six-year financing plan and application of the impact fee formula, which you will find behind the second green sheet in your packet. You'll find when you look at the formula table that the request, both requests in the single-family and the multi-family fall within the maximum allowable fee amounts for the school district. The maximum for single-family is \$4,351 and the maximum for multi-family is 1,450, so both of the increases easily fall within that. The staff does recommend approval. And again Marnie Allen is here, as well as the Battle Ground School District representative, to answer questions.

PUBLIC TESTIMONY

LYNN: Hi, I'm Mary Beth Lynn, I'm the Business Manager for Battle Ground School District. My mailing address is P.O. Box 200, Battle Ground, Washington 98604. I wanted to take a minute first to thank you for considering our plan, and, secondly, I'd like to talk a little bit about the process that we went through to come up with this recommendation. In December of 2002 the Board of Directors met with a group of patrons that asked the Board to look at requesting higher impact fees within our district. The school board directed staff to put together a series of five public meetings to get public input on impact fees, bonds, the State matching funds, how impact fees and bonds work together and community partnerships. Those five meetings were held in April of 2003. The consensus from those public meetings was that a committee be set up to look at a recommendation for new impact fees to make a recommendation to the school board.

We held those meetings on May 12th and May 19th to come up with a recommended fee. The members that were on that committee were a variety of individuals that represented various constituency groups. We had Matt Lewis from the Building Industry Association of Clark County, we had several district patrons, a couple of members of the Battle Ground

Neighborhood Association, realtors, representatives from Friends of the Library, the Battle Ground Chamber of Commerce director, along with staff members that included a principal, a facilities director and two of our assistant superintendents, so it was a wide variety of individuals. After much discussion the recommended fees from that group were \$3,000 for a single-family home and \$1,000 for a multi-family home. And they presented that recommendation, the committee did, to the Board on May 27th and the Board accepted that recommendation. The last time our fees were raised was in 1999. We're looking at enrollment of an additional 743 students by 2009. Right now we are projecting the need for two new K-8 campuses and not a need for a high school at this time due to the opening of Hockinson High School, that's relieving some of our space needs at our other high schools.

Some of the reasons that the committee felt that the recommendation to the Board was a good recommendation was that the additional funding would help address growth issues, that we're going to continue to grow as a community, that we want -- that we need a bond to help build schools and facilities, but impact fees are also an important part of that calculation. We have a large number of home builders in our area and the committee felt it was important to consider their interests. The committee feels that impact fees aren't the solution to growth but a part of it, and it was trying to meet the interests of all the constituents within the area and they felt that fairness and relationships were important to all. So with that I'm willing to answer any questions that you might have and I would respectfully ask that you forward that recommendation to the Board.

RETURN TO PLANNING COMMISSION

WRISTON: Questions? Any questions? Thank you very much. Any further public testimony? No. Return to the Planning Commission. Discussion? Motion?

BARCA: **Motion** to approve.

WRISTON: Second?

SMITH: **Second.**

ROLL CALL VOTE

BARCA:	AYE
SMITH:	AYE
RUPLEY:	AYE
WRISTON:	AYE
DELEISSEGUES:	AYE

WRISTON: Motion carries. Thank you.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION, continued

Docket 2003-048 (Camas School District Capital Facilities Plan). The school district has submitted an updated capital facilities plan and a proposal for an impact fee increase for single family and multi-family units pursuant to Section 18.65.095 CCC

TOWNE: Behind Tab 11 we have the Camas School District Capital Facilities Plan. They have modified their plan and they recommend the following proposed fee of \$2500 for single-family and 1,000 for multi-family. It's only a \$500 raise on each of them. Staff have reviewed both the formula and the capital facilities plan and based on the capital facilities plan we do believe that they meet the requirements of the Code and we do recommend an approval.

PUBLIC TESTIMONY

DENNISON: Good evening, Milt Dennison, Superintendent of Camas School District, 1919 NE lone in Camas. This is kind of like a Board meeting, as you get close to 10:00 things start to move along, don't they?

WRISTON: Yeah, we changed Chairs. No, just kidding.

DENNISON: Well, I feel fortunate because Camas is actually served by four governmental jurisdictions so this is number three of eight trips that I get to make to present this case. Camas School District continues to grow. In our plan you'll see that we're projecting an increase of 1200 plus students over the next six years. Since the last time I visited with you folks we've completed the Prune Hill Elementary School which opened in the fall of 2001, and completed a six classroom addition at the Dorothy Fox Elementary School, and then the new Camas High School will open its doors for students this September. The old high school facility at this point will remain off-line for one to two years for renovation and then we'll reopen at that time as our second middle school. With the reopening of the old high school it is projected that we will have ample capacity for the next five or six years.

In anticipation of using up that capacity you'll see that in our plan that we're projecting our next need will be either an elementary school, additional elementary school or additions to the high school as that growth continues at those upper levels. We have a similar process to other school districts in terms of public meetings, public hearings. Those were completed this spring. Based on those the Board adopted the CFP that you have, plus recommended the impact fees that you have before you as well. So I think I will stop at

that and take any questions that you have.

WRISTON: Okay, thank you. Questions?

DELEISSEGUES: I have one question. On the multi-family residence it looks like it's gone up 40 percent where single-family residence only went up 25 percent. I just wonder why the larger increase there?

DENNISON: Are you looking at the proposal or the maximums?

DELEISSEGUES: Proposed fee.

DENNISON: If you look at our maximum fees, our multi-family fee is actually higher than our single-family fee in terms of max. I think it was after discussion with the Board that if you read the paper we don't have a lot of multi-family housing going on in Camas and we felt that if we kept those multi-family fees well below that maximum that that might help encourage some more of that growth. I can't answer the Board's rationale in terms of a 50 percent increase. I think it was --

DELEISSEGUES: No, it was 40.

DENNISON: Yeah. I think it was related to a big jump in the formula that set that max.

WRISTON: Further questions? Ron.

BARCA: The same question that I asked in Vancouver, the aspect of not funding any portables, what's your policy in that regard?

DENNISON: We have used impact fees for modulars, you know, as long as they're growth related and we'll probably continue a need to do that, Ron, if once we hit a point if our capacity is eaten up. It's often the other situation where portables are used is if we have pockets of growth, especially elementary school. We have two or three elementary schools that are growing eight to ten percent a year in enrollments and rather than draw boundaries every time that that happens, we often will use portables to keep those neighborhood schools together. But, yes, we do use impact fees.

BARCA: But it's not noted in your planned expenditures to expend any funds?

DENNISON: No. And it's because we're not projecting that need because of the reopening of the old high school. If you'll look at the narrative on Page 3, it says "the cost of portables are not included in the impact fee calculations; however, impact fee revenues can be available to fund portables if they are needed." So our projections for this six-year time period would be not to purchase modulars but we have in the past.

BARCA: Okay. Yeah, it was that text that caught my eye and then when I went to Page 4 and looked at Section 3 and looked for the expenditures, there weren't any.

DENNISON: Expenditures, yeah, we're not projecting them during this six-year period.

BARCA: Okay, thank you.

WRISTON: Any further questions? Thank you.

DENNISON: Thank you.

RETURN TO PLANNING COMMISSION

DELEISSEGUES: I **move** that we approve Camas School District Capital Facilities Plan.

WRISTON: **Second?**

RUPLEY: Second.

WRISTON: Second from Jada. Further discussion? Roll call.

ROLL CALL VOTE

SMITH:	AYE
DELEISSEGUES:	AYE
BARCA:	AYE
RUPLEY:	AYE
WRISTON:	AYE

WRISTON: Okay. Motion carries.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION, continued

Docket 2003-051 (Hockinson School District Capital Facilities Plan). The school district has submitted an updated capital facilities plan and a proposal for an impact fee decrease for single-family units and an increase for multi-family units pursuant to Section 18.65.095 CCC.

TOWNE: Behind Tab 12, Hockinson School District Capital Facilities Plan. They have modified their plan and they recommend Clark County formally adopt the plan and collect

school impact fees as listed below here. Their proposal is an adjustment to their fees. Single-family residence would actually decrease from \$1200 to 328 and the multi-family was nonexistent, not applicable before, and they are now adding a \$649 fee. Again the staff have reviewed this. They find it consistent with Clark County Code based on the review criteria listed and it is both fees are within the maximum allowable on the formula sheet and we do recommend approval.

WRISTON: Okay, thank you. Questions?

DELEISSEGUES: Of course I've got a question. Sandra, did anybody check the school impact fee calculation?

WRISTON: Is that correct?

TOWNE: Yes, Marnie did and she's more than ready to answer any questions that you have.

DELEISSEGUES: All I want to know is is it correct or not?

TOWNE: It is correct, yes.

WRISTON: All right. Any other questions of staff? Public testimony.

PUBLIC TESTIMONY

ALLEN: Good evening again, my name's Marnie Allen, mailing address is 222 SW Columbia Street, Suite 1400. I'm with Preston, Gates & Ellis and we represent the Hockinson School District. Appreciate the opportunity to be here on behalf of the school district to summarize their plan. The superintendent from the Hockinson School District had another meeting tonight so he couldn't be here, but I did work with the district on the plan and I did prepare the impact fee calculation for the Hockinson School District. I guess just to summarize Hockinson, the primary facility improvement that's occurring in Hockinson right now is finishing up construction on their new and first high school, should be open in the fall for 9th and 10th graders in the district. In addition to building the new high school there are some improvements proposed at one of the elementary and the middle schools. Those are minor expansions to add a classroom in one case and two classrooms in another case.

The biggest question I think that you all may have and that comes up with respect to the Hockinson School District plan is why it is their school impact fees are dropping and the primary -- there are two reasons for that. Number one, the amount of construction and cost of construction for the improvements that is occurring in the Hockinson School District is relatively low compared to maybe some of the other districts. The second

reason, and maybe the bigger factor driving their fees, is that the tax credit in the impact fee calculation is very high in Hockinson School District. The district has the highest average assessed value for single-family homes and there's only a couple of multi-family homes in the district, it's all rural, but even for multi-family the average assessed values are much higher than the other districts and the tax levy rate in the Hockinson School District is much higher. What I can do if you're interested is put up a chart that I prepared after the work session in light of these questions that has a comparison of the cost to build facilities. The tax credit amount with the average assessed values and tax levy rate and when you look at those districts side-by-side and those amounts I think it's a little bit easier to see why their fee is dropping.

WRISTON: Sure.

ALLEN: If you're interested I can put that up.

BARCA: That brings the screen down, Jeff. Can you lower the screen all the way this time.

WRISTON: Is everyone else interested?

BARCA: Oh, it stopped early.

DELEISSEGUES: Yeah, it almost hit Jada in the head.

RUPLEY: Oh, my head.

ALLEN: Can you see that okay? I guess to start off with, what's showing right now is the simplified explanation of the school impact fee. Basically what the formula does is it takes the average cost per home to build capacity for students coming from those homes for that district. Then you deduct a tax credit and that tax credit is based on the district's average assessed value and their property tax rate. After you deduct the tax credit, you deduct another 15 percent discount. What I'm showing you now is the average cost per single-family home for each of the districts.

In the Hockinson School District the average cost for new single-family home buyers to pay for a portion of the high school and the other two improvements is about \$5,019. The cost in Vancouver's a little bit lower, but let me move down to the tax credit and you'll see that, for example, in relationship to the Battle Ground School District where their cost is about 6,000, their tax credit is only \$893 and Hockinson the tax credit is \$4,633. Why is that tax credit so high, it's because of two factors. First, the average assessed value for a single-family home in the Hockinson School District is \$213,000 and the tax levy rate is \$2.81. If you were to look at the Camas School District it's probably closest in terms of its average assessed value and its tax levy rate and the tax credit therefore is very close in Camas' the tax credit and Hockinson, but in Camas the cost for their new high school,

renovating the existing high school into a middle school and a future elementary that's proposed causes their cost to be higher. When you then add the 15 percent discount so we take the cost minus the tax credit and the 15 percent discount then you end up with the fee. It's the same formula and the same factors that apply in the multi-family fee for Hockinson.

WRISTON: That's good.

BARCA: So in a nutshell it has something to do with the amount of levy that's been already assessed against the property to be leveraged against what is available to be put out as an impact fee?

ALLEN: Correct. So because new home buyers are paying more in property taxes in Hockinson they're going to pay less in an impact fee.

BARCA: And since Battle Ground hasn't passed a major levy in a long period of time and they have a very low assessed value for that portion of the cost, they can go ahead and get a \$3,000 impact fee put in place?

ALLEN: Correct. But as they pass the bond because bond proceeds will be required to help pay for the school facilities, their tax levy rate will go up. I don't know what will happen with their average assessed values.

BARCA: Okay.

WRISTON: Okay. Thank you. Further questions? Thank you. That was helpful the way you did that, appreciate the work you put into that after the work session.

ALLEN: So unless there are other questions on behalf of the Hockinson School District I'm requesting that you recommend approval of their plan and their impact fee amounts.

RETURN TO PLANNING COMMISSION

WRISTON: Okay. Thank you. Further questions? Thank you. Further testimony?
Return to the Planning Commission. Discussion and/or a motion?

SMITH: **Move** to approve.

RUPLEY: **Second.**

WRISTON: All right. It's been moved and seconded. Discussion?

BARCA: So, Carey, you're moving to approve the maximum allowable impact fee in

Hockinson?

SMITH: No, I'm **moving to approve** the 328.14 for single and 649.22 for multi-family. I'm not asleep.

WRISTON: It's the maximum fee with a fairly substantial decrease.

SMITH: Yeah, it's less than the maximum.

WRISTON: Any further discussions or comments?

SMITH: Or the same as the maximum.

WRISTON: All right. Roll call, please.

ROLL CALL VOTE

BARCA:	AYE
SMITH:	AYE
WRISTON:	AYE
RUPLEY:	AYE
DELEISSEGUES:	AYE

WRISTON: All right. Ridgefield.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION, continued

Docket 2003-053 (Ridgefield School District Capital Facilities Plan). The school district has submitted an updated capital facilities plan and a proposal for a school impact fee decrease for single-family and an increase for multi-family pursuant to Section 18.65.095 CCC.

TOWNE: I'd like to make a comment that there was an error made and we are going to need to reopen the Evergreen School District because I did not hand out a correction on the enrollment projection sheet so what I would like to do is to -- I would like to suggest that we continue and finish all the schools and then just go back and do that quickly.

WRISTON: That sounds good, especially considering the --

TOWNE: I apologize.

WRISTON: No, that's all right. -- uprising to my right here. Okay. Ridgefield.

TOWNE: Ridgefield, before we start I have several corrections for you to make. On the first sheet of Ridgefield behind Tab 13, the multi-family residence proposed fee, please cross out the number that you have there and change that to 1426.66. We also have a handout for Ridgefield and the handout includes a resolution, the minutes from the school board, as well as a new sheet for the formula, and the formula sheet you'll find in the back of those handouts that we're passing out to you.

WRISTON: Okay, thank you.

TOWNE: Now let me make sure. I think there's one. Okay. Yeah, that covers the corrections to Ridgefield.

SMITH: One minor thing. On the new sheet it has 3558.86 and we've still got --

TOWNE: We round those off. They end up all being rounded off.

SMITH: But you didn't round the next one down. You didn't round it off for multi-family.

TOWNE: No, I'm sorry, I didn't, but it can be rounded off.

SMITH: Oh, okay. So you rounded off one and you didn't round off the other one.

TOWNE: Yes, that's right, I did do that.

RUPLEY: Put the screen down lower.

TOWNE: Okay. The Ridgefield School District Board has modified its capital facilities plan and it is recommending to the County to adopt the plan and collect school impact fees as listed below for 3,559 for the single-family and 1,427 for the multi-family. Staff has reviewed the capital facilities plan and we do recommend approval for the adjustments and for the capital facility plan and the formula.

WRISTON: Okay, thank you. I will note I think you passed out the Evergreen enrollment projections at the same time, just to point --

TOWNE: Oh, that one of them got in there, I'm sorry.

WRISTON: Okay. No problem, just to make sure people -- any further questions of staff?

DELEISSEGUES: No.

WRISTON: No. Okay. Public testimony, please?

PUBLIC TESTIMONY

VAGNER: Good evening, Mary Vagner, Superintendent of Schools, Ridgefield School District, 2724 South Hillhurst Road, Ridgefield, Washington 98642. Thank you very much for considering our capital facilities plan this evening and our impact fees. Ridgefield School District in the fall of 2002 opened its doors with approximately 1800 students. For 2009 it is forecasted that the district will open its doors with 2,482 students. Currently there are four major housing developments underway in the school district and there are three others in the planning stage that are moving rapidly toward the possibility of breaking ground.

We have made no major improvements in our facilities since the last capital facilities plan was updated by the County. We have been working with the landowner adjacent to the urban growth boundary to purchase 50 acres of land for a potential high school site. The purchase of this site will be dependent upon the outcome of a bond which in all likelihood will be taken to the voters during the 2003/2004 school year. The area that is adjacent to the current urban growth boundary has been heard by the County Commissioners and is being considered in the comp plan changes. The capital facilities plan addresses construction of a new high school. The capital facility plan also includes provision for a remodel of the current high school for a middle school. In addition to that remodel we are currently looking for additional land for a potential elementary and middle school sites. Any future purchase on behalf of the district will again be dependent upon the outcome of a future bond election.

Our Board went through the public hearing process this spring. It does have community support for the impact fees as they are presented to you. Our impact fee request is \$3,559 rounded for a single-family units and \$1,127 for multi-family units. This represents a slight decrease in single-family fees and a slight increase in multi-family fees. The figures are a result of the calculations based on the formulas as you've just seen from Mrs. Allen's presentation. The Ridgefield School District request that you adopt the decision recommending to the Board of Commissioners the district capital facility plan and the school impact fees as presented. Thank you for your interest in this this evening.

WRISTON: Okay. Any questions?

BARCA: I'm just going to work through this just so I have a better understanding. You also have chosen not to put the cost of modular or portables into your projection for your need forecast but you reserve the right to use the funds for it. Why not put the cost of those portables in there?

VAGNER: If the timing of a bond election comes to fruition in terms of wise planning, then we could be ahead of the need to have to add any modular units. We are hoping

that that will be the case. We are also considering that the Board build its cash reserves because we do know that we will have to use money out of the general fund to pay for any modular units and we would prefer to put any money into bricks and mortar as opposed to modular units. If we can unhouse our high school and move our high school into a new high school facility, we have vacant classroom space that can be renovated for K-6 and 7 and 8 students.

BARCA: Okay. That's a fair answer to the question. Just I see depending upon the school district different answers, but for the most part in accounting when it comes to the capital facilities plan most of them had ignored the aspect, whereas when I looked at the Battle Ground plan they put the cost and the need for the modulars right in there up front, whereas Vancouver's answer was that they were only leasing, therefore it wasn't applicable. I'm interested in the different ways that the school districts do it because I haven't seen a school district yet that doesn't have them. And as you said, if you're fortunate in your timing, you know, the alignment of everything going right, you won't be utilizing them.

VAGNER: We also have another issue and that is the fact that Ridgefield School District has not passed a bond for a period of time and so the question of the timing of the passage of this bond has impact on what we can and can't do with our impact fees in terms of using them for portable housing or how much of them we can or can't use. So our planning has been very positive in moving forward with the acquisition of the land, and as we've gone through this process for about a year the public has been very supportive of the of moving ahead with the purchase of land that is adjacent to the current urban growth boundary.

BARCA: Thank you.

WRISTON: Further questions? Thank you.

VAGNER: Thank you.

RETURN TO PLANNING COMMISSION

WRISTON: Further public testimony? Return to the Planning Commission. Discussion?

BARCA: **Motion** to approve.

WRISTON: Second? Is there a second?

RUPLEY: **Second.**

BARCA: Way to step up there.

WRISTON: Gees. All right. Jada seconds. Further discussion? Roll call.

ROLL CALL VOTE

BARCA: AYE
SMITH: AYE
WRISTON: AYE
RUPLEY: AYE
DELEISSEGUES: AYE

WRISTON: Washougal.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION, continued

Docket 2003-055 (Washougal School District Capital Facilities Plan). The school district has submitted an updated capital facilities plan and a proposal for a school impact fee increase in single family and a decrease in multi-family pursuant to Section 18.65.095 CCC.

TOWNE: Behind Tab 14, Washougal School District. There is a correction under the proposed fee for multi-family residence, there is a typo, if you could change that to 968.89. As well as on the capital facilities plan portion which is right behind your first green tab and it's on Page 6 if you could make that same correction, multi-family fee to 968.89. Okay. Washougal School District has modified its current capital facilities plan and it does recommend to the County to formally adopt it and collect for impact fees as follows: For single-family residence, \$3,270, and for multi-family, \$968.89. Their request is consistent with the Clark County Code and staff has reviewed the capital facilities plan based on the Code requirements and we do recommend approval of the plan.

PUBLIC TESTIMONY

ALLEN: For the record my name's Marnie Allen, at mailing address is 222 SW Columbia Street, Suite 1400, we represent the Washougal School District. Superintendent Bob Donaldson couldn't be here tonight so I'm filling in for him. Basically to summarize, the Washougal School District plan they made expansions in all of their schools with the exception of one middle school, finished those in 2002. They currently have some capacity still at those schools as a result of the expansions that they completed. They anticipate an increase in student enrollment of about 400 between now and 2009. In 1999 the school district requested an increase in their school impact fees to the current level, but because those impact fees were set on the cost to make the expansions and

because the expansions were underway, they didn't make any changes to their plan or their impact fees up until now and since all of the facilities have been completed now, they're presenting an updated plan. And we have run updated numbers on the impact fee calculation. Under the formula the single-family fee goes up slightly and the multi-family fee goes down slightly. That's a result of a change in the student generation rate, how many students come from single-family and multi-family homes, as well as the tax credit calculation. On behalf of the district we're requesting that you recommend approval of their capital facility plan and impact fees.

And maybe what I'll do, I guess, while I'm here, and maybe in anticipation of a question from Commissioner Barca, or I'll do my best to address or speak to the question you've asked about including, not including the cost of portables in the capital facility plans for some districts, there are two factors that are driving that. A, it's dependent on what each school district is choosing to do for their planning. In the Battle Ground School District it's just been this plan this year that included permanent facilities and that they started working on a bond measure and proposal. In the past years their capital facility plan has been entirely based on portable facilities because that's all they could plan for and accommodate in their district. Therefore the Battle Ground School District has a history of including portables and providing capacity at their existing schools through portables. When that is going to be the sole source or the primary source of the added classroom space, then including those portables in the cost in the plan and in the fee calculation makes sense, but if a district instead is planning on just making permanent facilities, we don't want to include cost of portables and permanent facilities, especially if there's not a clear plan on when the portables will be needed or how long they'll be needed. They're viewed as more temporary and so it would be maybe overcharging new home buyers to pay for both permanent and temporary facility space.

Having said that, because it's very difficult to plan when you're going to get the increased enrollment and when you're going to be able to finish expansions of schools, and recognizing all the sources of funds that are used to pay for improvements, there are times when school impact fees can be used to buy the portables if you need to add a portable to add more classroom space. You can only spend impact fees on improvements that are in your plan and identified so all of the plans include the language that you've referred to, you know, specifying that if it's necessary, the districts can use the impact fees to pay for portables. But they're planned for a lot of those districts that don't include the fees in their fee calculation is not to, A, plan to provide for capacity through portables and to use fees to pay for the portables. I don't know if that helps answer your question.

So, for example, another way to look at it or think of it with the Battle Ground School District when you look at the fee, impact fee calculation, the cost of portables even though they've identified adding portables isn't included in the fee calculation, they're only including the cost to build the permanent facilities. It's really to err on the side of making sure someone's not paying twice.

BARCA: So you're saying in the Battle Ground plan it shows I think it's \$4 million or something of that nature, that that's not rolled into the fee calculation?

ALLEN: No.

BARCA: Well, the entire premise of my whole evening's discussion is in error then.

RUPLEY: Should we start over.

BARCA: So when we do start over at the Evergreen School District I'm going to have a retraction statement. I'm just kidding. Okay, thank you very much, that was very helpful.

WRISTON: Thank you. Any other questions?

RUPLEY: I have one.

WRISTON: You have one. Jada has one.

RUPLEY: Marnie, mine isn't specific to Washougal, but one of the things that I understand is that with impact fees, and actually Mary mentioned that with Ridgefield, is that for a certain period of time and is it six years that they have to have a public share, otherwise the school district has to pay back?

ALLEN: That's correct.

RUPLEY: Okay. Which school districts are in jeopardy of that happening in terms of --

ALLEN: The Ridgefield School District.

RUPLEY: Not Battle Ground?

ALLEN: No. Because Battle Ground has -- up until now they've not had a plan or fees that have been calculated based on permanent improvements and bond proceeds.

RUPLEY: Okay. Thanks.

RETURN TO PLANNING COMMISSION

DELEISSEGUES: I'll **move** we approve Washougal School District Capital Facilities Plan and proposed impact fees.

RUPLEY: I'll **second** that.

ROLL CALL VOTE

BARCA: AYE
SMITH: AYE
WRISTON: AYE
RUPLEY: AYE
DELEISSEGUES: AYE

WRISTON: Great. Motion carries. That brings us to the end except now we go back to the beginning to --

BARCA: How eloquent.

WRISTON: Wasn't that eloquent.

RUPLEY: We're going to read this, you know.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION, continued

Docket 2003-049 (Evergreen School District Capital Facilities Plan). The school district has submitted an updated capital facilities plan pursuant to Section 18.65.095 CCC.

WRISTON: -- to Evergreen, Docket Item 2003-049, and the revised enrollment projections.

TOWNE: So you'll find within the capital facilities plan behind the first green divider to replace the Table 4 and this isn't paged, it's not paginated, I'm sorry, so the best thing to do is to go through and you'll see 2, 1, 2, 3, 4 for tables, it's the fourth table, enrollment projection, if you could replace what I just handed out to you and take out what's in your binder.

RUPLEY: What tab?

TOWNE: Tab 15 is Evergreen.

WRISTON: All right. And while they're doing that why don't you go ahead, Sandra, and give us, they're all right.

TOWNE: I guess that's I just wanted to make that correction in the record and I believe you'll need to revote on this.

WRISTON: Reopen and revote probably.

TOWNE: Yes.

WRISTON: So from what I'm just comparing, I mean your projections have generally gone down? They've been corrected down?

TOWNE: That's correct.

WRISTON: And that doesn't change the fee --

TOWNE: No.

WRISTON: -- projection? Okay. All right. Any questions of staff? Any public testimony on the change?

PUBLIC TESTIMONY

ALLEN: Marnie Allen, 222 SW Columbia Street, Suite 1400, Portland, Oregon. I guess just to explain, the enrollment went down because the year along the top of that table was entered with the total so there's not a change in the actual projected enrollment, it's just the math, they added the year at the top.

WRISTON: Okay. A spreadsheet sheet mistake.

ALLEN: And I guess I also wanted to just commend staff and really thank Sandra for all of her time and work on these plans. And she met with me and went over impact fees and has helped me keep track of all the changes. And so I neglected to say that early on, but I really appreciate all of Sandra's help on this too.

RETURN TO PLANNING COMMISSION

WRISTON: Good. Thank you. Any questions? It seems clear. Further public testimony? Return to the Planning Commission. Discussion? Motion? Oh, come on, you guys are killing me.

RUPLEY: I **move** that we accept the revised enrollment totals for the Evergreen School District. And what?

WRISTON: Move to approve, is that what you're --

RUPLEY: And move to approve.

WRISTON: Carey.

SMITH: I **second**.

WRISTON: Thank you.

BARCA: What a team. What a team.

WRISTON: All right. Any further discussion? Roll call, please.

ROLL CALL VOTE

BARCA:	AYE
SMITH:	AYE
WRISTON:	AYE
RUPLEY:	AYE
DELEISSEGUES:	AYE

WRISTON: Motion carries on the revisions. That takes us to the end. I don't know if Vaughn is coming in for an encore or not. Is he coming in or am I closing up? Do we clap if he comes in?

LEIN: You're doing such a good job, you go ahead.

OLD BUSINESS

None.

NEW BUSINESS

None.

COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION

None.

ADJOURNMENT

The hearing adjourned at 10:15 p.m.

All proceedings of tonight's hearing are filed at Clark County Community Development, Long Range Planning.

Vaughn Lein, Chair

Date

SW\min 07-17-03

Minutes Transcribed By:
Cindy Holley, Court Reporter
Sonja Wiser, Administrative Assistant